

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED AT THE

.... SIXTH REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY.

Held at Helena, the Seat of Government of said State, Commencing January 2nd, 1899, and Ending March 2nd, 1899.

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CERTIFICATE OF AUTHENTICATION.

STATE OF MONTANA, }
Secretary's Office. } ss.

I, T. S. Hogan, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Sixth Regular Session of the Legislative Assembly of said State, commencing January 2nd, 1899, and ending March 2nd, 1899, and held at Helena, the seat of government of said State, with the exception or corrections in orthography and punctuation, and omission or substitution words inserted in brackets.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of said State. Done at Helena, the seat of government of the said State of Montana, this twenty-fourth day of April, A. D. 1899.

T. S. HOGAN,
Secretary of State.

OFFICERS AND MEMBERS

OF THE

SIXTH LEGISLATIVE ASSEMBLY.

Governor,
ROBERT B. SMITH.

Lieutenant Governor and President of the Senate,
A. E. SPRIGGS.

Members of the Sixth Legislative Assembly of the State of Montana.

SENATE.

NAME.	Politics.	County.	Postoffice Address.
Anderson, J. T.....	Dem.	Meagher.....	White Sul. Spring
*Bowlen, C. C.....	Dem.	Carbon.....	Red Lodge.
*Campbell, W. H.....	Dem.	Park.....	Livingston.
Clark, W. A.....	Dem.	Madison.....	Virginia City.
Connolly, Jerry.....	Pop.	Granite.....	Garnet.
Courtenay, Thomas F.....	Dem.	Silver Bow.....	Butte.
Cullen, Thomas P.....	Dem.	Dawson.....	Glendive.
*Eggleston, C. H.....	Dem.	Deer Lodge.....	Anaconda.
Eduwell, C. O.....	Dem.	Yellowstone.....	Billings.
**Geiger, J. H.....	Rep.	Flathead.....	Columbia Falls.
*Hannah, W. H.....	Dem.	Sweet Grass.....	
Hobson, Simeon S.....	Rep.	Fergus.....	Lewistown.
*Hoffman, Charles W.....	Dem.	Gallatin.....	Bozeman.
Mahan, A. W.....	Dem.	Valley.....	Glasgow.
*McKay, J. R.....	Rep.	Custer.....	Miles City.
Mitchell, Samuel L.....	Rep.	Teton.....	Choteau.
Myers, H. L.....	Dem.	Ravalli.....	Hamilton.
*Norris, Edwin.....	Dem.	Beaverhead.....	Dillon.
Phillips, Ben D.....	Rep.	Choteau.....	Phillips.
*Riddell, Dr. W. C.....	Dem.	Lewis and Clarke.	Helena.
Stanton, George H.....	Dem.	Cascade.....	Great Falls.
Tierney, W. E.....	Dem.	Broadwater.....	Townsend.
Warner, D. G.....	Dem.	Jefferson.....	Boulder.
Worden, Tyler.....	Rep.	Missoula.....	Missoula.
O'Connor, D. P. Secretary.			

*Holcove members, elected in 1896.

**vice Fred Whiteside, Dem., unseated.

HOUSE.

NAME.	Politics.	County.	Postoffice Address
Stiff, Henry C., Speaker.....	Dem.	Missoula.....	Missoula.
Beasley, W. W.....	Rep.	Sweet Grass.....	Big Timber.
Bennett, W. G.....	Dem.	Lewis and Clarke.	Helena.
Black, Powell.....	Dem.	Meagher.....	White Sul. Springs
Bonner, W. J.....	Dem.	Cascade.....	Neihart.
Boylan, Charles.....	Dem.	Deer Lodge.....	Anaconda.
Burke, M. J.....	Dem.	Silver Bow.....	Butte.
Bywater, Stephen.....	Dem.	Flathead.....	Kalispell.
Clifford, Jere A.....	Dem.	Silver Bow.....	Butte.

HOUSE.—Continued.

NAME.	Politics.	County.	Postoffice Address.
Conrow, J. M.....	Dem.	Park.....	Livingston.
Cooney, E. H.....	Dem.	Cascade.....	Great Falls.
Crutchfield, C. M.....	Dem.	Ravalli.....	Hamilton.
Day, E. C.....	Dem.	Lewis and Clarke.	Helena.
Eversole, W. C.....	Dem.	Broadwater.....	Hassel.
Fine, B. J.....	Dem.	Madison.....	Virginia City.
Finlen, Miles.....	Dem.	Silver Bow.....	Butte.
Fitzpatrick, John.....	Dem.	Deer Lodge.....	Anaconda.
Flinn, Robert.....	Dem.	Cascade.....	Cascade.
Gallwey, H. A.....	Dem.	Silver Bow.....	Butte.
Garr, H. H.....	Dem.	Flathead.....	Columbia Falls.
Gibson, F. L.....	Dem.	Madison.....	Meadow Creek.
Gillette, James H.....	Dem.	Cascade.....	Belt.
Hedges, W. A.....	Rep.	Fergus.....	Yale.
Hill, H. M.....	Dem.	Jefferson.....	Clancy.
Hutchinson, W. O.....	Dem.	Lewis and Clarke.	East Helena.
Ingersoll, G. F.....	Rep.	Custer.....	Miles City.
Jacqueth, A. L.....	Rep.	Flathead.....	Kalispell.
Johnson, Dr. J. H.....	S. R.	Carbon.....	Red Lodge.
Kelley, C. F.....	Dem.	Silver Bow.....	Butte.
Kelley, Patrick.....	Dem.	Cascade.....	Great Falls.
Kuphal, F. W.....	Dem.	Lewis and Clarke.	Helena.
Lamb, Edwin M.....	Dem.	Silver Bow.....	Butte.
Lewis, Joseph A.....	Dem.	Silver Bow.....	Butte.
Lindsay, William M.....	Rep.	Dawson.....	Glendive.
Lockhart, W. H.....	Dem.	Jefferson.....	Bernice.
Long, C. C.....	Rep.	Fergus.....	Cottonwood.
Losekamp, J. D.....	Dem.	Yellowstone.....	Billings.
Luddy, P. H.....	Dem.	Jefferson.....	Jefferson.
Madden, J. M.....	Dem.	Deer Lodge.....	Anaconda.
Magee, G. W.....	Rep.	Teton.....	Dupuyer.
Marcy, G. F.....	Rep.	Custer.....	Miles City.
Martin, James E.....	Dem.	Gallatin.....	Bozeman.
Matts, E. D.....	Dem.	Deer Lodge.....	Anaconda.
McLaughlin, H. W.....	Dem.	Missoula.....	Missoula.
McLeod, John.....	Dem.	Gallatin.....	Bozeman.
Metlen, D. E.....	Dem.	Beaverhead.....	Dillon.
Moran, James T.....	Dem.	Choteau.....	Havre.
More, E. V.....	S. R.	Meagher.....	Castle.
Murray, P. W.....	Dem.	Silver Bow.....	Butte.
Normoyle, T. F.....	Dem.	Silver Bow.....	Butte.
O'Brien, William.....	Dem.	Madison.....	Sheridan.
Parker, L. C.....	S. R.	Granite.....	Garnet.
Paul, G. T.....	Dem.	Beaverhead.....	Dillon.
Phelps, Jesse I.....	Dem.	Lewis and Clarke.	Helena.
Potting, H. H.....	Dem.	Lewis and Clarke.	Marysville.
Sands, R. M.....	Rep.	Choteau.....	Harlem.
Shovlin, Michael.....	Dem.	Broadwater.....	Winston.
Stapleton, Guy W.....	Dem.	Silver Bow.....	Butte.
Stephens, W. J.....	Dem.	Missoula.....	Missoula.
Stone, A. L.....	Dem.	Missoula.....	Missoula.
Sullivan, P. G.....	Dem.	Granite.....	Garnet.
Swindlehurst, T. M.....	S. R.	Park.....	Livingston.
Sweeney, W. J.....	Dem.	Lewis and Clarke.	Helena.
Toole, John R.....	Dem.	Deer Lodge.....	Anaconda.
Truscott, J. L.....	Dem.	Valley.....	Glasgow.
Walsh, John.....	Dem.	Gallatin.....	Bozeman.
Warren, Dr. O. Y.....	Dem.	Deer Lodge.....	Warm Springs
Watson, R. J.....	Dem.	Silver Bow.....	Butte.
Wilson, E. H.....	Dem.	Silver Bow.....	Butte.
Woods, E. P.....	Dem.	Ravalli.....	Stevensville.
Craig, Charles R., Chief Clerk.			

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GENERAL LAWS.

HOUSE BILL NO. 166.

An Act Appropriating Money for the Executive and Judicial Departments of the State Government for fiscal years ending November 30, A. D. 1899 and November 30, A. D. 1900.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same is hereby appropriated for the objects hereinafter expressed, for the fiscal years ending November 30, A. D. 1899, and for the fiscal year ending November 30, A. D. 1900.

For the fiscal year ending November 30, A. D. 1899.

EXECUTIVE DEPARTMENT.

For salary of Governor, five thousand dollars.

For salary of Governor's private secretary, twenty-four hundred dollars.

For office expenses, Governor's office, five hundred dollars.

For salary of Secretary of State, three thousand dollars.

For salary of clerk, Sec'y of State, eighteen hundred dollars.

For extra clerical hire, twelve hundred dollars.

For office expenses, Sec'y of State, six hundred dollars.

For salary of State Treasurer, three thousand dollars.

For salary of Deputy State Treasurer, eighteen hundred dollars.

For incidental expenses, State Treasurer's office, three hundred and thirty-five dollars.

For salary of clerk of State Board of Equalization, eighteen hundred dollars.

For office expenses, State Board of Equalization, five hundred and twenty-five dollars.

For salary of State Auditor, three thousand dollars.

For salary of Assistant Auditor, eighteen hundred dollars.

For salary of clerk State Auditor, twelve hundred dollars.

Office and traveling expenses, State Auditor, three hundred dollars.

For expense Insurance Department, one hundred dollars.

For salary of Attorney General, three thousand dollars.

For salary of Law Clerk, eighteen hundred dollars.

For salary of stenographer of Attorney General, twelve hundred dollars.

Office and traveling expenses, Attorney General, four hundred and fifty dollars.

For office and traveling expenses of the Board of Commissioners of the Insane, one hundred dollars.

For office and traveling expenses of the Board of State Prison Commissioners, three hundred and fifty dollars.

For clerk of Insane and Prison Commissioners, twelve hundred dollars.

For salary of State Superintendent of Public Instruction, twenty-five hundred dollars.

For salary of clerk Superintendent of Public Instruction, fifteen hundred dollars.

For office and traveling expenses, Superintendent Public Instruction, seven hundred and fifty dollars.

For traveling expenses of the State Board of Education, eight hundred dollars.

For salary of State Examiner, twenty-five hundred dollars.

For salary of Assistant State Examiner, fifteen hundred dollars.

For office and traveling expenses of Examiners, twelve hundred dollars.

For salary of State Veterinary Surgeon, twenty-five hundred dollars.

For expenses of office, eighteen hundred dollars.

For salary of Commissioner of Agriculture, Labor and Industry, twenty-five hundred dollars.

For salary clerk Commissioner of Agriculture, Labor and Industry, fifteen hundred dollars.

For expenses of Bureau of Agriculture, Labor and Industry, twenty-five hundred dollars.

For salary of Boiler Inspector, twenty-four hundred dollars.

For salary Assistant Boiler Inspector, eighteen hundred dollars.

For office and traveling expenses, thirty-five hundred dollars.

For salary of Mine Inspector, twenty-four hundred dollars.

For salary of Deputy Mine Inspector, sixteen hundred and fifty dollars.

For office and traveling expenses, Inspector of Mines, two thousand dollars.

For salary of Adjutant General, twelve hundred dollars.

For incidental expenses of the National Guard, two hundred and fifty dollars.

For allowance for Light Battery, five hundred and fifty dollars.

For allowance for Inspection, five hundred dollars.

For salary of clerk State Board of Pardons, one thousand two hundred dollars.

For office expenses, State Board of Pardons, one hundred dollars.

For salary of clerk, State Board of Examiners, eighteen hundred dollars.

For office expenses, State Board of Examiners, two hundred dollars.

For salary of State Law Librarian, twelve hundred dollars.

For incidental expenses, State Law Library, six hundred dollars.

For books, State Law Library, seven hundred and fifty dollars.

For salary of Librarian, State Historical Library, twelve hundred dollars.

For expenses of office, State Historical Library, ten hundred and fifty dollars.

For expenses State Board Charities and Reform, one hundred dollars.

For extra supplies of State Offices, one thousand dollars.

For extra clerical hire, for State Officers, fifteen hundred dollars.

For Engineer and Incidental expenses, Director Experimental Station, fifteen hundred dollars.

For Public Printing, seven thousand five hundred dollars.

For printing Montana Reports, eighteen hundred dollars.

For rewards offered by the Governor, one thousand dollars.

For Requisitions, one thousand dollars.

For rental of State offices, fifty-three hundred dollars.

For Janitor of State offices, twelve hundred dollars.

JUDICIAL DEPARTMENT.

For salary of three Justices of the Supreme Court, twelve thousand dollars.

For salary of the Clerk of the Supreme Court, two thousand dollars.

For salary of Stenographer of the Supreme Court, fifteen hundred dollars.

For compensation of the Justices of the Supreme Court for services in reporting decisions of said Court, forty-five hundred dollars.

For salary of Marshal of Supreme Court, twelve hundred dollars.

For salary of attendant of Justices of the Supreme Court, nine hundred and thirty-nine dollars.

For contingent expenses of Clerk's office, three hundred dollars.

For salary of thirteen Districts Judges, forty-five thousand five hundred dollars.

For salary of County Attorneys, nineteen thousand seven hundred and fifty-one and thirty one-hundredths dollars.

For salary of Supreme Court Reporter for the months of December, 1898, and January and February, 1899, three hundred and seventy-five dollars.

For the fiscal year ending November 30, A. D. 1900.

EXECUTIVE DEPARTMENT.

For salary of Governor, five thousand dollars.

For salary of Governor's private secretary, twenty-four hundred dollars.

For office expenses, Governor's office, five hundred dollars.

For salary of Secretary of State, three thousand dollars.

For salary of Clerk, Sec'y of State, eighteen hundred dollars.

For extra clerical hire, six hundred dollars.

For office expenses Secretary of State, four hundred dollars.

For salary of State Treasurer, three thousand dollars.

For salary of Deputy State Treasurer, eighteen hundred dollars.

For incidental expenses State Treasurer's office, four hundred dollars.

For salary of Clerk of State Board of Equalization, eighteen hundred dollars.

For office expenses State Board of Equalization, four hundred and fifty dollars.

For salary of State Auditor, three thousand dollars.

For salary of Assistant Auditor, eighteen hundred dollars.

For salary of Clerk State Auditor, twelve hundred dollars.

For office and traveling expenses, State Auditor, three hundred dollars.

For expenses Insurance Department, State Auditor, one hundred dollars.

For salary of Attorney General, three thousand dollars.

For salary of Law Clerk, eighteen hundred dollars.

For salary of Stenographer of Attorney General, twelve hundred dollars.

For office and traveling expenses Attorney General, four hundred and fifty dollars.

For office and traveling expenses of the Board of Commissioners of the Insane, one hundred dollars.

For office and traveling expenses of the Board of State Prison Commissioners, three hundred and fifty dollars.

For Clerk of Insane and Prison Commissioners, twelve hundred dollars.

For salary of State Superintendent of Public Instruction, twenty-five hundred dollars.

For salary of Clerk Superintendent of Public Instruction, fifteen hundred dollars.

For office and traveling expenses Superintendent of Public Instruction, seven hundred and fifty dollars.

For traveling expenses of the State Board of Education, eight hundred dollars.

For salary of State Examiner, twenty-five hundred dollars.

For salary of Assistant State Examiner, fifteen hundred dollars.

For office and traveling expenses of Examiners, twelve hundred dollars.

For salary of State Veterinary Surgeon, twenty-five hundred dollars.

For expenses of office State Veterinary Surgeon, eighteen hundred dollars.

For salary of Clerk Commissioner of Agriculture, Labor and Industry, fifteen hundred dollars.

For salary of Commissoiner of Agriculture, Labor and Industry, twenty-five hundred dollars.

For expenses of Bureau of Agriculture, Labor and Industry, twenty-five hundred dollars.

For salary of Boiler Inspector, twenty-four hundred dollars.

For salary of Assistant Boiler Inspector, eighteen hundred dollars.

For office and traveling expenses, Boiler Inspector, thirty-five hundred dollars.

For salary of Mine Inspector, twenty-four hundred dollars.

For salary of Deputy Mine Inspector, sixteen hundred fifty dollars.

For office and traveling expenses Inspector of Mines, two thousand dollars.

For salary of Adjutant General, twelve hundred dollars.

For incidental expenses of the National Guard, two hundred and fifty dollars.

For allowance for Light Battery, five hundred and fifty dollars.

For allowance for inspection, five hundred dollars.

For salary of Clerk State Board of Pardons, one thousand two hundred dollars.

For office expenses, State Board of Pardons, one hundred dollars.

For salary of Clerk, State Board of Examiners, eighteen hundred dollars.

For office expenses State Board of Examiners, two hundred dollars.

For salary of State Law Librarian, twelve hundred dollars.

For incidental expenses State Law Library, six hundred dollars.

For books, State Law Library, seven hundred and fifty dollars.

For salary of Librarian, State Historical Library, twelve hundred dollars.

For expenses of office, State Historical Library, ten hundred and fifty dollars.

For expenses State Board of Charities and Reform, one hundred dollars.

For extra supplies of State Officers, one thousand dollars.

For extra clerical hire for State Officers, fifteen hundred dollars.

For Engineer and Incidental Expenses, Director Experimental Station, fifteen hundred dollars.

For Public Printing, seven thousand five hundred dollars.

For printing Montana Reports, eighteen hundred dollars.

For rewards offered by the Governor, one thousand dollars.

For requisitions, one thousand dollars.

For rental of State offices, fifty-three hundred dollars.

For janitor of State offices, twelve hundred dollars.

JUDICIAL DEPARTMENT.

For salary of three Justices of the Supreme Court, twelve thousand dollars.

For salary of the Clerk of the Supreme Court, two thousand dollars.

For salary of stenographer of the Supreme Court, fifteen hundred dollars.

For compensation of the Justices of the Supreme Court, for services in reporting decisions of said Court, forty-five hundred dollars.

For salary of Marshal of Supreme Court, twelve hundred dollars.

For salary of Attendant of Justices of the Supreme Court, nine hundred and thirty-nine dollars.

For contingent expenses of clerk's office, three hundred dollars.

For salary of thirteen District Judges, forty-five thousand five hundred dollars.

For salary of County Attorneys, nineteen thousand seven hundred and fifty-one and thirty one-hundredths dollars.

Approved March 2nd, 1899.

HOUSE BILL NO. 162.

An Act to appropriate money for the State Institutions of Montana for for fiscal years ending November 30th, A. D. 1899 and November 30, A. D. 1900.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated for the objects hereinafter expressed, for the fiscal years ending November 30, A. D. 1899 and for the fiscal year ending November 30, A. D. 1900.

For the fiscal year ending November 30, A. D. 1899.

STATE INSTITUTIONS.

For maintenance of Prison, fifty-seven thousand dollars.

For maintenance of Insane Asylum, one hundred twenty thousand dollars.

For maintenance of Orphan's Home, fourteen thousand dollars.

For maintenance of Reform School, twenty thousand one hundred seventy-six and eighty-four one-hundredths dollars.

For School of Mines, one thousand dollars.

For maintenance and furniture and fitting of Agricultural College, twelve thousand four hundred ten dollars.

For maintenance of Normal School, fourteen thousand five hundred sixty dollars.

For maintenance of Soldiers' Home, seven thousand two hundred dollars.

For maintenance of University of Montana, twenty-one thousand five hundred ninety dollars. •

For maintenance of Deaf and Dumb Asylum, twelve thousand seven hundred fifteen dollars.

For the fiscal year ending November 30, A. D. 1900.

STATE INSTITUTIONS.

For maintenance of Prison, fifty-seven thousand dollars.

For maintenance of Insane Asylum, one hundred twenty thousand dollars.

For maintenance of Orphans' Home, fourteen thousand six hundred dollars.

For maintenance of Reform School, twenty-one thousand ninety-six and thirty-five one-hundredths dollars.

For School of Mines, twenty-five thousand three hundred dollars.

For maintenance of Agricultural College, furnishing and fitting, twelve thousand six hundred sixty dollars.

For maintenance of Normal School, fifteen thousand three hundred fifty dollars.

For maintenance of Soldiers' Home, five thousand one hundred ninety-six dollars.

For maintenance of University of Montana, twenty-one thousand five hundred ninety dollars.

For maintenance of Deaf and Dumb Asylum, eleven thousand seven hundred fifteen dollars.

Approved March 6th, 1899.

HOUSE BILL NO. 6.

An Act to appropriate money for the payment of Mileage and Per Diem for the Members of the Sixth Legislative Assembly of the State of Montana, also for the payment of Per Diem of the Officers and Attaches thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty thousand dollars (\$40,000), or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated for the pay-

ment of mileage and per diem for the members of the Sixth Legislative Assembly of the State of Montana.

Section 2. That the sum of seventeen thousand dollars (\$17,000), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Sixth Legislative Assembly of the State of Montana.

Approved January 13th, 1899.

HOUSE BILL NO. 165.

An Act appropriating money for incidental expenses of the Sixth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six thousand dollars (\$6,000.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the incidental expenses of the Sixth Legislative Assembly of the State of Montana.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant for the same, as specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1899.

HOUSE BILL NO. 48.

An Act Entitled an Act Appropriating Money for the Relief of the State Orphans' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be and there is hereby appropriated the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, out of any moneys in the hands of the State Treasurer, not other-

wise appropriated, for the purpose of completing the main building of the Orphans' Home, at Twin Bridges, Montana, for the year 1900.

Section 2. That there be and there is hereby appropriated, the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, out of any moneys in the State Treasury not otherwise appropriated, for the purpose of building and equipping a heating plant at the State Orphans' Home, at Twin Bridges, Montana. Three thousand dollars of said appropriation to be available for the year 1899 and two thousand dollars thereof for the year 1900.

Section 3. If the purpose for which the moneys appropriated by Sections 1 and 2 of this Act has not been fully accomplished at the end of the fiscal year, and the work has not been completed, any part of such appropriations remaining unused shall not revert back to the General Fund of the State, but shall continue to be available for the purposes herein named for a period of two years from and after the commencement of said appropriations.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

This bill is approved except all of Section 1 is vetoed and one thousand dollars of the amount named in Section 2 is disallowed. with the foregoing exceptions the bill is approved this March 3rd, 1899.

HOUSE BILL NO. 79.

An Act Appropriating Money for the Payment of Claims of Certain Persons and Companies for Services Rendered to and Supplies Furnished for the State Penitentiary in the year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eighteen thousand one hundred twenty-six and ninety-three one-hundredths dollars (\$18,126.93), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following-named persons and companies for supplies furnished and services rendered to the State Penitentiary in the year 1898.

Conley & McTague.....	\$1,081.23
Conley & McTague.....	258.00
Conley & McTague.....	5,464.40
Conley & McTague.....	4,069.60
Conley & McTague.....	160.—
Conley & McTague.....	5,099.20
Conley & McTague.....	280.—
Conley & McTague.....	1,463.60
Conley & McTague.....	80.—
E. L. Bonner & Co.....	170.90
	\$18,126.93

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons and companies named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 80.

An Act Appropriating Money for the Relief of Mitchell and Missigbrod for the Care and Keeping of the Insane in the year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eight thousand four hundred seventy-eight and ninety-five one-hundredths dollars (\$8,478.95), or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay Mitchell and Mussigbrod for balance due them under contract for the care and keeping of the insane in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the persons named for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 81.

An Act Appropriating Money for the Payment of the Claims of Certain Persons for Expenses Incurred in Transporting Prisoners to the Penitentiary, During the years 1895, 1896, 1897 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That the sum of sixteen thousand one hundred thirty-six and eighty-five one-hundredths dollars (\$16,136.85), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for expenses, incurred in transporting prisoners to the penitentiary.

George A. Berký	\$1,964.75
Dominice Cavanaugh	351.40
White Caldwell	103.20
Thomas Clary	731.70
Thomas J. Davidson	470.45
Jake L. DeHart	568.40
John Dunn	495.00
W. J. Fransham	406.20
John Gibb	3,655.00
Wm. D. Hagen	210.30
Joseph I. Haines	443.30
Thomas H. Irvine	115.70
W. F. Hubbard	2,210.10
James Jobb	54.60
D. C. Kyle	911.40
H. W. McLaughlin	678.25
Chas. H. Padley	148.80
George E. Pool	28.50
C. C. Proctor	1,166.40
Patrick H. Regan	476.60
Henry L. Sherlock	240.00
John D. Waite	465.60
George T. Young	241.20
	\$16,136.85

Section II. The State Auditor is hereby authorized, and directed to draw his warrants in favor of the persons named and for the amounts

set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section III. This Act shall be effective from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 82.

An Act Appropriating Money for the Payment of the Claims of Certain Persons, Account Requisitions, during years 1896 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. That the sum of one thousand eighty-two and seventy one-hundredths dollars (\$1082.70), or so much thereof as may be necessary, be, and the same is hereby appropriated out of money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons, account requisitions in the years 1896 and 1898.

H. H. Baldwin 1896	\$435.60
P. H. Regan 1898	103.95
Henry L. Sherlock	120.70
Henry L. Sherlock	113.75
W. D. Hagen	214.65
Joseph I. Haines	94.05
	\$1,082.70

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 83.

An Act Appropriating Money for the Payment of the Claim of the County of Deer Lodge, Montana, Account Court Costs in Trials of Escaped Prisoners in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four hundred, seventy-eight and ten one-hundredths dollars (\$478.10) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the county of Deer Lodge, Montana, account court costs in trials of escaped prisoners in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of said Deer Lodge County for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 84.

An Act Appropriating Money for the Payment of Claims of Certain Counties and Persons Account Refunded Taxes in the Years 1895, 1896 and 1897.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ninety-four and ninety one-hundredths dollars (\$94.90), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named counties and person, account refunded taxes in the years 1895, 1896 and 1897.

Flathead County 1895	\$22.79
Anthony Harrity 95 & 96.....	10.00
Flathead County 1897	4.68
Beaverhead County 1897	57.43

94.90

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the counties and person named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 1st, 1899.

HOUSE BILL NO. 85.

An Act Appropriating Money for the Payment of Claim of the Home Building and Loan Association, Account Court Costs in Case of Home Building and Loan Association vs. State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-one dollars \$(41.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the Home Building and Loan Association, account court costs during the year 1897.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Home Building and Loan Association for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage and approval.

Approved Mch 1st, 1899.

HOUSE BILL NO. 86.

An Act Appropriating Money for the Relief of Certain Persons, Companies and Corporations for Furnishing Supplies and Services Rendered to the State Reform School in the Years 1896, 1897 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The the sum of seven thousand six hundred ninety-nine and ten one-hundredths dollars (\$7,699.10), or so much thereof as

may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the claims of the following named persons, companies or corporations for supplies and services rendered to the State Reform School during the years 1896, 1897 and 1898.

A. J. Hylton	\$250.00
Mrs. A. J. Hylton	100.00
Miles City Water & Electric Light Depts....	53.00
Kessler Brick & Sewer Pipe Works.....	1,410.95
W. H. Bullard	13.00
Dr. R. G. Redd	7.00
Grey Beck	14.25
W. S. Gilmore	2.25
B. C. White	125.00
Mrs. B. C. White	50.00
W. S. Batchelor	40.00
John Krause	40.00
P. S. Malvaney	45.00
J. P. Duffy	50.00
Clarence Elswick	40.00
Mrs. N. A. Caster	35.00
Fred Christopher	45.00
Clark Dickenson	50.00
Permanent University Fund	3853.14
M. Ella Savage	35.00
Mrs. D. S. Shy	30.00
Mrs. Fannie Dinsmore	40.00
John W. Strevell	20.00
John S. Truscott	20.00
J. B. Hawkins	25.00
B. K. Holt Meat Company.....	54.14
Truscott & Harmon	32.28
Lakin, Westfall & Co.....	26.81
Wm. Courtenay	205.00
Schwartz & Riley	405.00
Abram Hall	188.57
F. Oreschel and Company	10.95
W. E. Savage	28.75
McIntire Mercantile Co.....	29.99

City of Miles City	75.00
W. B. Jordan & Son.....	228.02
King Bros. & Co.....	7.00
Armour Packing Co.....	14.00
	\$7,699.10

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the persons, companies and corporations named for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 1st, 1899.

HOUSE BILL NO. 87.

An Act Appropriating Money for the Payment of Claims of Certain Persons, Account State Boiler Inspector in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of two hundred ninety-two and twenty one-hundredths dollars (\$292.20), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons for services rendered, account State Boiler Inspector in the year 1898.

Frank A. Burns	\$228.30
James H. Dailey	63.90
	292.20

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 1st, 1899.

HOUSE BILL NO. 88.

An Act to Appropriate Money for the Payment of the Claims of Certain Persons, Account Expenses Incurred for the Soldiers' Home in the Year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ninety-three and ninety-five one-hundredths dollars (\$93.95), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons, account expenses incurred for the Soldiers' Home in the year 1896.

Dr. C. B. Miller	\$ 5.95
Lyman Loring	18.00
P. R. Dolman	70.00
	\$93.95

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 89.

An Act Appropriating Money for the Payment of Claims of a Certain Person, Account Expense State Officers in the Year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three and twenty one-hundredths dollars (\$3.20), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named person, J. Henry Jurgens, account expense State Officers in the year 1896.

Section 2. The State Auditor is hereby authorized to draw his

warrant in favor of the person named as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 91.

An Act Appropriating Money for the Payment of Claims of Certain Persons, Companies and Corporations for Expenses Incurred in the Maintenance of the Orphans' Home in the Years 1896 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand eight hundred forty-two and forty-nine one-hundredths dollars (\$1842.49), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons, companies and corporations for expenses incurred in the maintenance of the Orphans' Home.

G. F. White, 1896	\$12.05
Pease Brothers, 1896	9.65
Twin Bridges Lumber Co., 1898.....	19.00
G. O. Stolebarger	451.22
Mrs. E. L. Smith	163.45
Monitor Pub. Co.	23.75
Davis & Weimscary Co.....	4.00
T. F. O'Grady	35.39
D. A. Pease	20.90
Mrs. B. Grupp	6.50
George F. White	12.85
Reid & Wilcomb	221.45
Wiley Mountjoy	119.69
Mrs. Wiley Mountjoy	50.00
Miss Jennie Leselle	30.00
Miss M. E. Vance	40.00
Miss Ida Jeffries	30.00
Miss Mary Oliver	30.00

F. W. Summers	15.00
Miss Jennie Reiniger	40.00
Miss Lena LaSalle	30.00
Mrs. H. L. Millett	40.00
D. F. Wheeler	30.00
Miss Jennie Cox	30.00
Wm. A. Davison, M. D.	10.00
E. W. A. Rowles	65.99
H. A. Pease	50.20
James Thompson	39.00
W. J. Gallahan	65.30
Walter J. Crowell	147.10

\$1842.49

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of certain persons, companies and corporations named and the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved March 1st, 1899.

HOUSE BILL NO. 92.

An Act Appropriating Money for the Payment of Claims of Certain Persons, for Expenses Incurred in the Maintenance of the Deaf and Dumb Asylum, 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-nine and thirty one-hundredths dollars (\$49.30), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons, for supplies, furnishings, etc., the Deaf and Dumb Asylum in the year 1896.

F. E. Cornish	\$ 3.50
Mrs. Emma F. Concannon	35.00
Eugene Picot	10.80

\$49.30

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 93.

An Act Appropriating Money for the Payment of Claims of Certain Persons, Companies and Corporations for Services Rendered and Supplies Furnished the Normal School in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That the sum of one thousand three hundred thirty-seven and fifty-nine one-hundredths' dollars (\$1337.59), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the claims of the following named persons, companies and corporations, account Normal School, in the year 1898.

Dillon Implement Co.	\$102.10
Dillon Examiner	29.00
D. Appleton and Company	57.00
Dillon News Co.....	758.21
Chicago Laboratory Supply & Scale Co.....	391.28

\$1337.59

Section II. The State Auditor is hereby authorized to draw his warrants in favor of the persons, companies and corporations named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section III. This Act shall be effective from and after its passage and approval.

Approved Mch 2nd, 1899.

HOUSE BILL NO. 94.

An Act Appropriating Money for the Payment of the Claim of S. M. Emery, Account Expenses and Services Rendered for the Experimental Station in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of two hundred thirty and eighty-five one-hundredths dollars (\$230.85), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of S. M. Emery, account Experimental Station in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount as shown in Section 1 of this act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 96.

An Act Appropriating Money for the Payment of the Claim of the Union Pacific Ry. Co., Account National Guard in the Year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six and twenty one-hundredths dollars (\$6.20), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of the Union Pacific Ry. Co., account National Guard in the year 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the company named and for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 97.

An Act Appropriating Money for the Payment of Claims of Certain Persons for Services Rendered, Account Deficiency in Salaries, Appointive State Officers and Clerks in the Years 1897 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four thousand one hundred fifty-seven and twelve one-hundredths dollars (\$4,157.12), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons for services rendered in the years 1897 and 1898.

Frank Hunter, 1897	\$840.72
Frank Hunter, 1898	1,050.00
Charles F. Word, 1898	800.00
James H. Dailey	300.00
J. H. Calderhead	141.40
M. E. Knowles	625.00
Frank Burns	400.00
	\$4,157.12

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved Mch 2nd, 1899

HOUSE BILL NO. 98.

An Act Appropriating Money for the Payment of the Claim of William Coyne for Services Rendered, Account Contingent Expenses State Board of Examiners in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifty dollars (\$50.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out

of any money in the State Treasury not otherwise appropriated, to pay the claim of Wm. Coyne, for services rendered, account contingent expenses State Board of Examiners in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Mch 2nd, 1899.

HOUSE BILL NO. 99.

An Act Appropriating Money for the Payment of Claims of Certain Persons for Services Rendered, Account Salaries of County Attorneys in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand six hundred thirty-three and twenty-eight one-hundredths dollars (\$1,633.28), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons for services rendered, account salaries of county attorneys for the year 1898.

Thomas D. Long, October 1898.....	\$50.00
F. E. Smith, Oct 1898	62.50
Joseph B. Poindexter, November, 1898	50.00
E. H. Goodman, Novr, 1898.....	50.00
L. B. Reno, "	41.66
T. J. Porter, "	83.33
M. M. Lyter, "	104.16
B. L. Powers, "	62.50
Thomas C. Holmes, "	41.66
W. H. Trippet, "	83.33
F. E. Smith, "	62.50
Thomas D. Long, "	50.00
H. C. Cockrell, "	83.33
H. W. Rogers, "	50.00

Thomas T. Lyon,	"	50.00
R. R. Purcell,	"	104.16
L. L. Calloway,	"	50.00
N. B. Smith,	"	62.50
S. G. Murray,	"	83.33
J. A. Savage,	"	50.00
Henry L. Myers,	"	50.00
Guy W. Stapleton,	"	125.00
Sidney Fox,	"	41.66
J. E. Erickson,	"	50.00
J. J. Kerr,	"	41.66
W. M. Johnston,	"	50.00

\$1633.28

Section II. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section I of this Act, and the State Treasurer is directed to pay the same.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb 27th, 1899.

HOUSE BILL NO. 100.

An Act Appropriating Money for the Payment of Claim of T. W. Poindexter, Account State Auditor in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-four and forty one-hundredths dollars (\$44.40), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of T. W. Poindexter, account State Auditor in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 101.

An Act Appropriating Money for the Payment of the Claims of M. E. Knowles for Services Rendered, Account State Veterinarian in the Years 1897 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand one hundred thirty-five and twenty-five one-hundredths dollars (\$1135.25), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of M. E. Knowles for services rendered, account State Veterinarian in the years 1897 and 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 102.

An Act Appropriating Money for the Relief of W. C. Orr, Account Deputy State Veterinary Surgeon in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of seventy-three and ninety one-hundredths dollars (\$73.90) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. C. Orr, account Deputy Veterinarian in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 103.

An Act Appropriating Money for the Payment of Claims of a Certain Company, Account Supplies for State Boards and Officers in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of twenty-seven and sixty-five one-hundredths dollars (\$27.65), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the Helena Book and Stationery Co., account supplies for the State Boards and officers in the year 1898.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the company named and the amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 104.

An Act Appropriating Money for the Payment of Claims of Certain Persons, Companies and Corporations, Account Public Printing in the Years 1896 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four thousand three hundred and eighty-four and eighty one-hundredths dollars (\$4384.80), or so much

thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons, companies and corporations, account Public Printing in the years 1896 and 1898.

Mail Pub. Co., 1896	\$31.70
Independent Pub. Co., 1898	1,865.81
Standard Pub. Co.	107.50
Miner Pub. Co.	164.50
Citizens Call	123.00
Great Falls Tribune	67.50
Post Pub. Co.	90.00
Dillon Examiner	79.50
The Billings Times	103.00
State Pub. Co.	219.99
Great Falls News	127.00
Herald Pub. Co.	37.00
Yerkes & Fell	97.50
James G. Ramsey	7.50
Big Timber Pioneer	7.50
T. J. Johns	7.50
Flathead Herald-Journal	112.00
S. A. Robertson	7.50
Basin Progress	7.50
River Press Pub. Co.	7.50
Dudley Axtell	82.50
Miles City News	7.50
Northwest Tribune	68.50
Flathead Herald-Journal	15.00
Hyatt and Dolenty ...	90.00
Teton Chronicle	7.50
H. D. Rossiter	81.10
R. M. Groshorn	7.50
Montanian	64.00
Progress Pub. Co.	72.00
Lewistown Democrat	75.00
L. C. Olmstead	90.00
Rocky Mountain Husbandman	90.00
Glendive Independent	68.20
Red Lodge Picket	88.00

Fruit Grower Pub. Co.	97.50
Stock Growers' Journal	7.50
Boulder Sentinel	7.50
Weekly Times	7.50
River Press Pub. Co.	7.50
Stock Growers' Journal	79.50
	\$4384.80

Section II. The State Auditor is hereby authorized to draw his warrants in favor of the persons, companies and corporations named and the amounts set down opposite their names, as shown in Section I of this Act, and the State Treasurer is directed to pay the same.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 155.

An Act Appropriating Money for the Payment of the Claim of a Certain Person or Corporation, Account Balance Due on Contract for Construction Eastern Penitentiary in the Year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eight hundred seventeen and ninety-five one-hundredths dollars (\$817.95), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Fisk J. Shaffer, American National Bank (assignee), account balance due on contract for construction Eastern Penitentiary in the year 1895.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person or corporation named and the amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1899.

HOUSE BILL NO. 156.

An Act Appropriating Money for the Payment of Claims of Certain Persons for Services Rendered, Account Taking Testimony in Case of State of Montana vs. Booth and Wines, in the Year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three hundred eighty-four and eighty one-hundredths dollars (\$384.80), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons for services rendered, account taking testimony in case of State of Montana vs. Booth and Wines in the year 1898:

A. J. Campbell	\$80.00
W. W. Johnston	4.80
Charles H. Little	300.00
	\$384.80

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. That Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1899.

HOUSE BILL NO. 157.

An Act Appropriating Money for the Payment of the Claim of a Certain Person for Expenses Incurred in Transporting Prisoners to the Penitentiary, in the Year 1897.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred fifty and thirty one-hundredths dollars (\$150.30), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay Dominick Cavanaugh for expenses incurred in transporting prisoners to the penitentiary.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 6th, 1899.

HOUSE BILL NO. 164.

An Act Appropriating Money for new Heating Plant, for the State Reform School at Miles City.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three thousand dollars (\$3000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated for the construction and equipment of a new heating plant for the State Reform School at Miles City.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the Reform School for the amount named in Section 1 of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1899.

HOUSE BILL NO. 167.

An Act to pay Employees of the Senate and House, as provided in Section 209, Part III, Title I, Chapter II, Article IV, and as Provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred dollars (\$100.00) be, and the same is hereby appropriated to pay, in accordance with Section 209, Part III, Title I, Chapter II, Article IV, and as provided for in

Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana, as follows, to-wit:

D. P. O'Connor, Secretary of the Senate.....	\$ 50.00
C. R. Craig, Chief Clerk of House.....	50.00
Total	\$100.00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said D. P. O'Connor and C. R. Craig for the sum of fifty dollars respectively, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 2nd, 1899.

SENATE BILL NO. 44.

An Act Appropriating to Michel Therriault the Sum of One Hundred and Twenty-two Dollars and Twenty Cents for Expenses Incurred by Him in Attending Upon the State Senate of Montana, with Ballot Boxes, Ballots and Election Returns of Flathead County, Montana, in the Contested Election Case of John H. Geiger against Fred Whiteside.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and twenty-two dollars and twenty cents, or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated for the payment of the mileage, per diem, and expenses of Michel Therriault, County Clerk and Recorder of Flathead County, Montana, in the matter of the contested election case of John H. Geiger against Fred Whiteside.

Section 2. That the State Auditor is hereby directed to draw his warrant on the State Treasurer for the sum of one hundred and twenty two dollars and twenty cents, appropriated as aforesaid.

Approved Feb'y 22nd, 1899.

SENATE BILL NO. 46.

An Act Appropriating to J. W. Ponsford the sum of Ninety-six Dollars and Sixty Cents, expenses Incurred by him in serving the process of the Senate and summoning Michel Therriault to Appear before the Senate with the Ballots and ballot boxes of Flathead County, in the contest case of John H. Geiger vs. Fred Whiteside.

Be it enacted by the Legislative Assembly of the State of Montana :

Section I. That the sum of ninety-six dollars and sixty cents or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated, for the payment of expenses incurred by J. W. Ponsford in serving the process of the Senate and summoning Michel Therriault to appear before the Senate with the ballots and ballot boxes of Flathead County in the contested election case of John H. Geiger against Fred Whiteside.

Section II. That the State Auditor is hereby directed to draw his warrant on the State Treasurer for the sum of ninety-six dollars and sixty cents, in favor of J W Ponsford for the appropriation aforesaid.

Approved February 22nd, 1899.

SENATE BILL NO. 63.

An Act appropriating money to H. J. Kelly, assistant Sargeant at Arms of the Montana Senate, for expenses incurred in services rendered to the joint investigating committee of the sixth Legislative assembly, in serving orders, subpoenaeing witnesses and procuring evidence for Said committee.

Be it enacted by the Legislative Assembly of the State of Montana :

Section I. That the sum of thirty-four and 80-100 dollars be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay H. J. Kelly, assistant sergeant-at-arms of the Senate of the Sixth Legislative Assembly of the State of Montana, for mileage from Helena to Hamilton and return, on a trip by him made at the order and direction of the joint investigating committee of the House and Senate of the Sixth Legislative Assembly

of the State of Montana, for the purpose of serving certain orders of said committee and procuring certain evidence for the use of said committee.

Section 2. That the sum of six dollars be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the said H. J. Kelly for expenses by him incurred in serving the orders and subpoenas of said joint investigating committee upon certain witnesses in the City of Helena.

Section 3. That the State Auditor is hereby authorized and directed to draw his warrant in favor of said H. J. Kelly for the sum of forty & 80-100 dollars and the State Treasurer is directed to pay the same.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved February 28th, 1899.

SENATE BILL NO. 72.

An Act appropriating money for the relief of J. H. Geiger.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of two hundred and fifty-nine dollars and twenty cents, or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay State Senator John H. Geiger the mileage heretofore reported as due him by the Senate Committee on Mileage, in the sum of one hundred and fifteen dollars and twenty cents, and for his per diem for the twenty-four days from January 2d to January 25th 1899 inclusive at six dollars per day.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the person named and the amount as shown in Section 1 of this Act: and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its approval.

Approved February 28th, 1899.

HOUSE BILL NO. 137.

An Act to provide for the support of the Government of the State of Montana for the fiscal years 1899 and 1900.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby levied, for State purposes, upon all the property in the State liable to taxation, for the fiscal year of 1899, an ad valorem tax of two and one-half mills on each dollar of the valuation of such property.

Section 2. There is hereby levied, for State purposes, upon all property in the State liable to taxation, for the fiscal year of 1900, an ad valorem tax of two and one-half mills on each dollar of the valuation of such property.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 6th, 1899.

SENATE BILL NO. 12.

An Act to Create the Montana State Board of Horticulture to Prescribe its Powers and Duties and to Appropriate Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. There is hereby created a State Board of Horticulture to consist of six (6) members, five of whom shall be appointed by the Governor, one from each of the horticultural districts that are hereby created, and the State Executive who shall be an ex-officio member of the Board. No person shall, however, be appointed on said Board, or be employed by them, who shall be connected, in any way, with any nursery or who shall be engaged in the sale of handling for profit of any nursery product.

Section II. The State shall be divided into the following horticultural districts: The first district shall comprise the counties of Dawson, Custer, Yellowstone, Sweet Grass, Carbon and Park. The second district shall comprise the counties of Gallatin, Madison, Jefferson, Beaverhead, Silver Bow, Lewis & Clarke, Meagher and Broadwater. The third district shall comprise the counties of Cascade, Fergus, Val-

ley, Choteau and Teton. The fourth district shall comprise the counties of Missoula, Ravalli, Granite, and Deer Lodge. The fifth district shall comprise the county of Flathead.

Section III. The members shall reside in the district for which they are appointed. They shall be selected with reference to their study of, and practical experience in horticulture, and the industries dependent thereon. They shall hold office for a term of four years, and until their successors are appointed and qualified; provided, however, that two of the board first appointed--to be determined by lot--shall retire at the expiration of two years. All vacancies in the board shall be filled by appointment of the Governor and shall be for the unexpired term.

Section IV. The Board is authorized to employ a secretary, and prescribe his duties, who shall hold his appointment at the pleasure of the Board. Before entering upon the discharge of his duties, each member and employee of the Board shall take and subscribe to the oath of office, which said oath shall be filed with the Secretary of State.

Section V. The Board may call together and hold, in conjunction with horticultural societies, public meetings of those interested in horticulture and kindred pursuits, and may publish and distribute such proceedings and discussions as in its judgment may seem proper provided the sum so expended shall not exceed the sum of \$300.00 per annum. The Board shall meet on the 3rd Monday of February and September of each year, and as much oftener as it may deem expedient,

Section VI. The office of the Board shall be located at such a place as the majority thereof may determine, and shall be in charge of the secretary during the absence of the Board.

Section VII. For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure and extirpation of fruit pests and the diseases of fruits and fruit trees, and for the disinfection of grafts, scions, or orchard debris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits and fruit trees, said Board may prescribe regulations for the inspection and disinfection thereof, which regulations shall be circulated in printed form, by the Board, among the fruit growers and fruit dealers of the State, and shall be published at least ten days in two horticultural papers of gen-

eral circulation in the State, and shall be posted in three conspicuous places in each county in the State, one of which shall be at the county court house thereof.

Section VIII. The said Board shall elect from their own number or appoint from without their number, to hold office at the pleasure of the Board, one competent person in each district, to be known and to act as "inspector of fruit pests." Said inspectors shall be selected with reference to their study of, and practical experience in, Horticulture. It shall be the duty of said inspectors to visit the nurseries, orchards, stores, packing houses, warehouses and other places where horticultural products and fruits are kept or handled within their respective districts, and to see that the regulations of the State Board of Horticulture to prevent the spread of fruit pests and diseases of trees and plants, and the disinfection of fruits, trees, plants, grafts, scions orchard debris and empty fruit boxes and other material shall be fully carried out and complied with. Said inspectors shall have free access, at all times, to all the premises where any trees, plants, fruits or horticultural products or supplies are kept or handled, and shall have full power to enforce the rules and regulations of the State Horticultural Board, and to order the destruction or disinfection of any or all trees, plants, fruits or horticultural products or supplies found to be infected with any diseases, as prescribed or designated by said Board.

Section IX. It shall be the duty of every person or persons, corporation or corporations, who shall sell or deliver to any person or persons, corporation or corporations, any trees, plants, vines, shrubs, scions or grafts, to notify the inspector of said district wherein such trees, plants, vines, etc., etc., are to be delivered, at least five days before said goods are to be delivered, giving the date and nursery or R. R. station where said trees, plants, scions, etc., etc., are to be delivered, together with the name of the party or parties who are to receive the same. It shall be the duty of the inspector receiving said notice to inspect the said trees, plants, grafts, scions, etc., etc., as soon thereafter as practicable, and at the point, where the same are to be delivered, and if the same be found free from any and all diseases or pests, as designated by said State Board of Horticulture, he shall so certify and shall attach such certificate to each lot or bill of such trees, plants, scions, grafts, etc., etc., which said certificate must contain a list of the said trees, grafts, scions, plants or vines so inspected,

but if any of the trees, grafts, scions, vines or plants so inspected shall be found to be diseased or infected with any of the pests, as prescribed by said Board, then the inspector shall order the destruction of such trees, grafts, scions, vines, etc., etc., so diseased or infested, together with all boxes, wrapping or packing pertaining thereto.

Section X. If any person or persons in charge or control of any nursery, orchard, storeroom, packing house or other place where horticultural products or supplies are handled or kept, shall fail or refuse to comply with the rules and regulations of the said State Board of Horticulture, or shall fail or refuse to disinfect or destroy any diseased or infected trees, plants, vines, scions, grafts, shrubs or other horticultural supplies or products, when ordered so to do, by the inspector of such district, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$25.00 or more than \$300.00.

Section XI. It shall be the duty of every owner or manager of every orchard, nursery, storeroom, packing house or other place where horticultural products or supplies are kept or handled, which shall become diseased or infected with any injurious insect or pest, to immediately upon the discovery of the existence of such disease or pest to notify the inspector of said district of the existence of the same. It shall be the duty of such owner or manager, at his own proper expense, to comply with and carry out all the instructions of said inspector for the eradication of said disease or pests. Any person who shall fail or refuse to notify said inspector, as herein provided, or who shall fail or refuse to comply with the instructions of said inspector for the eradication of any disease or pest, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$25.00, nor more than \$300.00.

Section XII. If any person or persons, corporation or corporations shall fail or refuse to forthwith comply with the instructions of said inspector, for the eradication of any disease or pests, said inspector shall proceed forthwith to eradicate such disease or pest and the expense of the same shall become a charge and a lien upon the property of such owner.

Section XIII. Every person who, for himself or as agent for any other person or persons, corporation or corporations, transportation

company or common carrier, shall deliver or turn over to any other person or persons, corporation or corporations, any trees, vines, shubs, nursery stock, scions, grafts, without first having attached the inspector's certificate, as provided in Section X., of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$25.00 nor more than \$300.00.

Section XIV. No person or persons, corporation or corporations, shall be liable to any other person or persons, corporation or corporations for any damage to any trees, vines or shrubs, nursery stock, scions or grafts, by reason of the same being held to await the certificate of the inspector, as provided in Section IX., of this Act.

Section XV. The inspectors of fruit pests appointed or elected by said Board shall receive as compensation for their services the sum of, five dollars per day for the time actually employed, provided, however, that no inspector shall receive more than three hundred dollars in any one year, when acting as such inspectors of fruit pests. The members of said Board shall receive no compensation for their services, except actual expenses paid out. The secretary of said Board shall receive the sum of \$1000.00 per annum for his services.

Section XVI. All bills for expeditures, under this Act, shall be audited and passed upon by the said Board of Horticulture, and if found legal and just, shall be allowed, subject to the approval of the State Board of Examiners, and a warrant shall be drawn therefore upon the Auditor of the State of Montana, who shall draw his warrant upon the State Treasurer therefor.

Section XVII. it shall be the duty of the Secretary to attend all meetings of the Board and to procure records of the proceedings and correspondence, to collect books, pamphlets, periodicals and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to correspond with agricultural and horticultural societies, colleges and schools of agriculture and horticulture and other persons and bodies as may be directed by the Board, and prepare as required by the Board, reports for publication; he shall also act as assistant to, and obey the directions of the inspectors of fruit pests, under the directions of the Board.

Section XVIII. The Board shall biennially, in the month of January, report to the Legislature a statement of its doings and abstracts of the reports of the inspectors of fruit pests, and of the secretary.

Section XIX. There is hereby appropriated for the use of the State Board of Horticulture, as set forth in this Act, out of the moneys in the State Treasury not otherwise appropriated, the sum of three thousand \$(3000.00) dollars, or as much thereof as may be necessary for the year commencing March 1, 1899; three thousand six hundred (\$3600.00) dollars, or as much thereof as may be necessary, for the year commencing March 1, 1900.

Section XX. All sums of money collected as fines for the violation of any of the provisions of this Act shall be turned into the State Treasury for use in defraying the expenses of the Board hereby created, and the appropriations hereby made shall be paid out of the said fund to the extent of the money therein contained.

Approved February 17th, 1899.

SENATE BILL NO. 71.

An Act to annex a Portion of Meagher County to the County of Cascade and to alter the boundary lines of Meagher and Cascade Counties to conform Thereto.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. All that portion of Meagher County embraced within the following boundaries shall be segregated from Meagher County and attached to and made a part of the County of Cascade, to-wit: Beginning at the southern extremity of the main division line, running north and south, between Cascade and Fergus Counties and between the tract hereby described and Fergus County, being a point near the middle of the east line of Township 11, north of Range 10 east, as the said Township would appear if officially surveyed; thence running along a line in a northwesterly direction following the summit of the divide between the waters of the Musselshell River and Sheep and Belt Creeks on the one side, and the Judith River and Wolf Creek on the other side to its intersection with the present southern boundary line of Cascade County, about six miles southerly

from the town of Neihart; thence following the present boundary line between Cascade and Meagher Counties in a northerly and thence easterly direction to its intersection with the boundary line between Cascade and Fergus County; thence south along the said line between Cascade and Fergus Counties and between Fergus County and the tract hereby described to the point of beginning.

Section 2. The boundary line between Meagher and Cascade Counties is hereby altered so as to conform to the provisions of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28th, 1899.

SENATE BILL NO. 84.

An Act to amend Section 7 of an Act of the Fifth Legislative Assembly entitled An Act to extend and define the boundaries of Cascade County and to alter the boundaries of Meagher County to conform thereto," approved March 1, 1897, in relation to the indebtedness of Cascade County to Meagher County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 7 of An Act of the Fifth Legislative Assembly, entitled "an act to extend and define the boundaries of Cascade County and to alter the boundaries of Meagher County to conform thereto," approved March 1, 1897, is hereby amended so as to read as follows:

Section 7. The County of Cascade is authorized in the settlement of its indebtedness to Meagher County to issue to the County of Meagher its General Fund Warrant bearing the legal rate of interest prescribed for County Warrants, in settlement of all indebtedness lawfully due to the County of Meagher from Cascade County by reason of the said Act, of the Fifth Legislative Assembly, approved March 1, 1897 and upon receipt of said warrant by Meagher County, the County of Cascade shall be relieved and exempted thereafter from any and all liability on account of any existing indebtedness of Meagher County.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7th, 1899.

HOUSE BILL NO. 133.

An Act to annex a portion of Meagher County to the County of Cascade and to Alter the Boundaries of said Counties to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All that portion of the County of Meagher embraced within the following boundaries shall be segregated from the County of Meagher, attached to and made a part of the County of Cascade, to-wit, Beginning at the southeast corner of Township 15 north of Range 3 east and running thence east along the south line of Township 15 north, a distance of six miles to a point on the east line of Range 4 east; thence running north along the east line of Range 4 east to its intersection with the present southern boundary line of Cascade County; thence west six miles to the northeast corner of Township 15 north of Range 3 east; thence south to the point of beginning; said tract hereby described if officially surveyed would be Township 15 north of Range 4 east.

Section 2. The boundary lines of the counties of Meagher and Cascade are hereby altered so as to conform to the provisions of this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6th, 1899.

HOUSE BILL NO. 78.

An Act to extend and define the Boundaries of Lewis and Clarke County, and to alter the Boundaries of Deer Lodge County to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All that part of the State of Montana embraced within the following boundaries shall be known as and shall be Lewis & Clarke County, to-wit: Beginning at a point where Sun River crosses the Helena Guide meridian, thence up Sun River on the most northerly branch thereof that heads in the Rocky Mountains to the crest of the said Rocky Mountains; thence southerly along the crest of the said Rocky Mountains to the point where said crest is intersected by the west boundary line of Range 11 west of the Montana Principal Meridian; thence south along the west boundary line of Townships twenty, nineteen, eighteen and seventeen north of said Range eleven west to the southwest corner of Township seventeen north of Range Eleven west; thence east along th south boundary of Township Seventeen north of Range Eleven west to the northwest corner of Township Sixteen north of Range Eleven west; thence south along the west boundary line of Township Sixteen north of Range Eleven west to the southwest corner of said Township Sixteen; thence east along the south boundary line of Township Sixteen north of Range Eleven west to the southeast corner thereof; thence south along the west boundary line of Township Fifteen north of Range Ten west. to the southwest corner of said Township Fifteen; thence east along the south boundary line of said Township Fifteen to the southeast corner thereof; thence south along the west boundary line of Townships Fourteen and Thirteen north of Range Nine west to the southwest corner of said Township Thirteen; thence east along the south boundary line of Township Thirteen north of Ranges Nine and Eight west to the northwest corner of Township Twelve north of Range Seven west; thence south along the west boundary line of Townships Twelve and Eleven north of Range Seven west to the corner between Sections Eighteen and Nineteen of said Township Eleven north of Range Seven west; thence east along the south boundary lines of Sections Eighteen, Seventeen, Sixteen, Fifteen, Fourteen and Thirteen of said Township Eleven north of Range Seven west to the boundary line between said Township

Eleven north of Range Seven west and Township Eleven north of Range Six west; thence south along the west boundary line of said Township Eleven north of Range Six west to the southwest corner of said Township Eleven north of Range Six west; thence east along the south boundary line of said Township Eleven north of Range Six west to the point of intersection with the present line between Deer Lodge and Lewis & Clarke Counties; thence southeasterly along the said crest of the Rocky Mountains to the head of Ten Mile Creek; thence along the divide between Ten Mile Creek and the waters of the North Boulder to the divide between the waters of Lump Gulch, and Ten Mile Creek; thence along said divide between the waters of Grizzly Gulch and Lump Gulch; thence along the said divide to the divide between the waters that come into Dry Gulch above Helena and the waters of Prickley Pear Creek to the north peak of the mountains easterly from Helena known as Dry Gulch Mountains; thence due east to the Missouri River; thence along the middle of the main channel of the Missouri River to a point in said river where the present easterly boundary line of Lewis & Clarke County intersects the west boundary line of Section Thirty-two; Township Ten north of Range One east; thence north along said line to its intersection with Cave Gulch; thence up the said Cave Gulch to the summit of the Big Belt Mountains; thence along the summit of the said mountains to the southwest corner of Township Fourteen north of Range One east; thence west along the south line of Township Fourteen north to the southwest corner of Township Fourteen north of Range One west; thence north along the west line of Range One west to a point on said Range line directly opposite the junction of the Dearborn River with the Missouri River; thence directly west to the junction of the said Dearborn River with the Missouri River; thence up the middle of the main channel of the Dearborn River to its intersection with the Helena Guide Meridian; thence along the said Helena Guide Meridian; thence along the said Helena Guide Meridian to its intersection with Sun River, the place of beginning.

Section 2. All territory and appurtenances within the boundaries of Lewis & Clarke County as by this Act established heretofore belonging to Deer Lodge County are hereby segregated from said County of Deer Lodge and are attached to and made a part of the County of Lewis & Clarke.

Section 3. The boundaries of Deer Lodge County are hereby altered to conform to the boundaries of Lewis & Clarke County, as established by this Act.

Section 4. The indebtedness of Deer Lodge County as the same shall exist at the time of the passage of this Act shall be apportioned between the said County of Deer Lodge and the County of Lewis & Clarke, after first deducting therefrom the value of all county buildings, real estate, and other property belonging to the county of Deer Lodge, and not included within the territory hereby segregated from Deer Lodge County and attached to Lewis and Clarke County in proportion as the assessed valuation of all property within the territory so segregated from the said County of Deer Lodge bears to the assessed valuation of all property remaining within the said County of Deer Lodge after the said alteration of its boundaries.

Section 5. The apportionment of said indebtedness shall be based upon the value of the assessable property of Deer Lodge County for the year 1898 as determined by the Boards of Equalization, and a depreciation of one per cent per annum from the date of construction of the county buildings and improvements shall govern the estimate of the value of said county buildings and improvements, and the actual value of all county real estate, and other county property as it may exist when such apportionment is made shall govern such estimate.

Section 6. The chairman of the Boards of County Commissioners of Lewis & Clarke County and Deer Lodge County, together with Judge F. H. Woody, of the District Court of the Fourth Judicial District, shall meet at the Court House in Anaconda, Montana, on a day to be named by said District Judge, not later than June 1, 1899, and there make the apportionment of said indebtedness as provided for in this Act.

Section 7. Immediately after apportioning the indebtedness, as provided for in Sections 4, 5 and 6, of this Act, the County Commissioners of Lewis and Clarke County shall cause to be drawn, issued and attested, a lawful warrant on the general fund of Lewis and Clarke County, payable to the County of Deer Lodge, in payment of the amount of indebtedness of Deer Lodge County that shall have been so apportioned to the aforesaid segregated territory, herein attached to Lewis and Clarke County.

Section 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 9. This Act shall take effect and be in force from and after June 1st, 1899.

Approved February 28th, 1899.

SENATE BILL NO. 89.

An Act to extend the boundaries of Flathead County and to alter the boundaries of Deer Lodge County to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that part of the county of Deer Lodge lying north of latitude forty-seven degrees and thirty-five minutes north, shall be and the same is hereby added to and become a part of the County of Flathead."

Section 2. The boundaries of Deer Lodge County are hereby altered so as to conform to the boundaries of Flathead County as established by this Act.

Section 3.—All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4.—This Act shall take effect and be in force from and after its passage.

Approved March 6th, 1899.

HOUSE BILL NO. 151.

An Act to amend Section 410 of the Political code of Montana, relating to the fees of the Secretary of State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 410 of the Political Code of Montana be, and the same is, hereby amended so as to read as follows:

Section 410. The Secretary of State, for services performed in his office, must charge and collect the following fees:

I. For each copy of any law, resolution, record or other document or paper on file in his office, twenty cents per folio.

II. For affixing certificate and seal, one dollar.

III. For issuing each certificate of incorporation and each certificate of increase of capital stock, three dollars.

IV. For recording and filing each certificate of incorporation, and each certificate of increase of capital stock, he shall charge and collect the sum of fifty cents on each one thousand dollars of the capital stock of any company or corporation, provided that whenever the capital stock of any corporation shall exceed one million dollars he shall charge and collect the sum of twenty-five cents on each one thousand dollars of the capital stock in excess of one million dollars; provided that he shall charge and collect from each company or corporation not less than twenty dollars for recording and filing each certificate of incorporation and each certificate of increase of capital stock; which sum shall include the fee of issuing the certificate of incorporation or the certificate of increase of capital stock, where the capital stock is thirty-four thousand dollars or less; provided, however, that no company or corporation shall be required to pay a fee in excess of one thousand dollars for filing its articles of incorporation or certificate of increase of capital stock.

V. For issuing each certificate of decrease of capital stock, five dollars.

VI. For recording and filing each certificate of decrease of capital stock, five dollars.

VII. For issuing each certificate of continuance of corporate existence, three dollars.

VIII. For recording and filing each certificate of continuance of corporate existence, he shall charge and collect the sum of twenty-five cents on each one thousand dollars of the capital stock, of any company or corporation; provided, that whenever the capital stock of any corporation shall exceed one million dollars, he shall charge and collect the sum of ten cents on each one thousand dollars of the capital stock in excess of one million dollars; provided, however, that no company or corporation shall be required to pay a fee in excess of one thousand dollars for filing its certificate of continuance of corporate existence.

IX. For recording and filing each notice of removal of place of business, each certificate of change of name, or each certificate making stock assessable, five dollars.

X. For filing each certified copy of the charter or articles of incorporation of any foreign corporation, twenty dollars.

XI. For filing each notice of appointment of agent, five dollars.

XII. For filing each annual or semi-annual statement of any foreign corporation, five dollars.

XIII. For receiving and recording each official bond, two dollars.

XIV. For each commission or other document, signed by the Governor and attested by the Secretary of State (pardons and military commissions excepted), five dollars.

XV. For searching records and archives of the State, one dollar.

XVI. For filing each trade mark, three dollars, and for issuing each certificate of record, one dollar.

XVII. For recording miscellaneous records, papers or other documents, twenty cents per folio.

XVIII. For filing any other paper, not otherwise, herein provided for one dollar.

But no member of the Legislative Assembly, or state or county officer, can be charged for any search relative to matters appertaining to the duties of his office; nor must he be charged any fee for a certified copy of any law or resolution passed by the Legislative Assembly relative to his official duties. Fees must be collected in advance, and when collected by the Secretary of State, must be paid to the State Treasurer at the end of each quarter, as provided for in the Constitution.

Approved March 2nd, 1899.

SENATE BILL NO. 24.

An Act to Amend Section 4638, of chapter IV, of the Political Code of Montana, relating to the fees of County Treasurers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 4638, Chapter IV, Title II, Part IV of the Political Code is hereby amended to read as follows:

Section 4638. The County Treasurer shall receive for making and acknowledging a deed for property sold for delinquent taxes, the sum of three dollars.

Section 2. All Acts, and parts of Acts, in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force on and after its passage and approval.

Approved Feb. 22nd 1899.

SENATE BILL NO. 21.

An Act to Amend Section 4613 of the Political Code of the State of Montana, relating to fees for issuance of naturalization papers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4613 of the Political Code of the State of Montana, be and the same is hereby amended to read as follows:

Section. 4613. The Clerk of the District Court shall collect from every person to whom a final certificate of naturalization is issued, at the time the same is issued, a fee of Two Dollars and fifty cents (\$2.50); and no other fees shall be charged for naturalization papers, or for the record thereof.

Section 2. All Acts, and parts of Acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb 22nd 1899.

SENATE BILL NO. 15.

An Act to amend Section 2517, of Part III, Title V, Chapter IV, Article IV, of the Political Code of Montana, relating to the admission of persons to the Montana State Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 2517, of Part III, Title V, Chapter IV, Article IV, of the Political Code of Montana, shall be amended so as to read as follows:

Section 2517. Any soldier, sailor or marine who served in the army or navy of the United States during the late, "Civil War," or in

the Mexican War, or in the late War with Spain, and received honorable discharge therefrom, who at the time of admission is an invalid by reason of disease contracted, wounds received, or by reason of other disability, shall be eligible to admission to the benefits of the home under the rules and regulations prescribed by the Board of Managers thereof on the certificate of disability by a county commissioner and the county physician of the county in which the applicant may reside: and the transportation of such applicant to the said soldiers home shall be a proper county charge and be paid by said county if the applicant is unable to pay the same. Provided, that the benefits of said home shall not be extended to any one who has not resided within the State of Montana for a period of one year next preceding the date of his application, "or to any one who has not resided within the County from which he asks to be sent to the home for the period of three months from the date of his application." nor to any one convicted of a felony, or of a crime showing moral turpitude, nor shall any one who has been an habitual drunkard be received without sufficient evidence of subsequent good conduct and reformation of character as may be satisfactory to the said Board of Managers.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in force and effect on and after its passage.

Approved Feb 22nd 1899.

SUBSTITUTE FOR SENATE BILL NO. 13.

An Act Providing that all graduates of the State Normal School of the State of Montana shall be entitled to teach in the Public Schools of the State Without other or further examination.

Be it enacted by the Legislative Assembly of the State of Montana:—

Section 1. All graduates of the State Normal School who have completed and graduated in the professional course of the three years' course of said school and received a diploma, certifying that either of the said courses, has been completed, shall, on the registry of said diploma in the office of the State Superintendent of Public Instruction,

be entitled to teach in the public schools of the State of Montana without other or further examination, for the term of three years after such graduation and such graduates shall, on furnishing to the State Board of Education satisfactory evidence of having successfully taught in the public schools of the State for a term of two years, be entitled to receive from said Board a life diploma.

Section 2. All graduates of the said State Normal School who have completed and graduated in the four years course of said school and received a diploma, certifying that said course has been completed, shall, on the registry of said diploma in the Office of the State Superintendent of Public Instruction, be entitled to teach in the public schools of the State of Montana, without other or further examination, for a term of three years after such graduation, and on furnishing to the State Board of Education satisfactory evidence or having successfully taught in the public schools of Montana for a period of one year, shall be entitled to receive from such Board a life diploma.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in force on and after its passage and approval.

Approved Feb 22nd 1899

HOUSE BILL NO. 113.

An Act to amend Article II, Title VIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Grant Commission and defining its powers and duties, and all acts and parts of acts amendatory thereof; By providing for the purchase and reclamation of certain lands situated in the County of Yellowstone and State of Montana by the issue of Bonds, by adding thereto the Following:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3533A. Said commission shall be and it is hereby authorized and empowered to purchase, at a price not in excess of two dollars (\$2.00) per acre, from the actual owner or owners thereof, any lands that may be irrigated by any water system now established, or that

may hereafter be established within the boundaries of the district as now established, or as may hereafter be established in the County of Yellowstone and State of Montana. And in order to pay for such lands so acquired and to reclaim them by the construction of a water system, said commission is hereby empowered to issue State Arid Land Grant bonds in the same manner, and subject in every way to the same restrictions and regulations as are the bonds authorized in said Article and amendments for the reclamation of arid lands granted to the State of Montana by an Act of Congress approved August 18, 1894, and the amendment thereto, approved June 11, 1896.

And all bonds issued on behalf of said district shall constitute a lien upon all the lands for the reclamation of which such bonds may be issued, and shall be a lien upon the entire water system and appurtenances to such district belonging. And such lands so purchased shall be fully incorporated into and made a part of such district; and for all purposes the provisions of said Article and the amendments thereto shall apply to such lands that may be so purchased the same as they now do to arid lands granted to the State of Montana under said Acts of Congress.

Approved Feb 27 1899

SENATE BILL NO. 49.

An Act to amend Article II, Title VIII, Part III, of the Political code of the State of Montana, Creating the State arid land grant commission and Defining Its Powers and duties, and all acts and parts of acts amendatory thereof; to provide for the issue of bonds for the construction of Water systems for irrigating State and other lands, or for other useful purposes; to establish a Uniform Price for the use of Water for the redemption of such bonds, Principal and interest, for the operation and maintenance of such Water System, to issue warrants to meet preliminary expenses on account of any Such Water systems, and Providing for the Payment of the Same, by adding thereto the following:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 3536a. That said commission shall be and it is hereby fully authorized and empowered to issue bonds of like description and

subject to redemption, principal and interest, in like manner as other bonds in said article authorized, for the construction of water systems for irrigating lands belonging to the State, or other lands, or for other useful purposes, which said bonds shall be a charge against the water system for the creation of which such bonds are issued. And the commission shall establish a uniform price of toll for rights to the use of the water from such system sufficient to redeem such bonds, principal and interest when due, and for the creation and maintenance thereof. All the provisions of said article not in conflict with this section shall apply hereto.

Section 3546A. Said commission is hereby authorized and empowered to issue warrants to meet the preliminary expenses necessarily incurred on account of any water system, which warrants shall bear interest at the rate of seven per cent (7%) per annum, and be paid out of any funds received by said commission on account of such system.

Approved Feb 13 1899

SUBSTITUTE FOR SENATE BILL NO. 6.

An Act to amend Section 1206 of Senate Bill No. 57, of the Session Acts of the fifth Legislative Assembly of the State of Montana, of the year 1897, Being an Act entitled "An act to amend chapter III, title II, of part III, of the political code, by repealing sections 1224 to 1233 inclusive; by adding sections 1201 to 1208 inclusive, and sections 1210 to 1216 inclusive and by amending sections 1209 and 1234, relating to the registration of voters".

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1206 of Senate Bill No. 57 of the Session Acts of the fifth Legislative Assembly of the State of Montana, of the year 1897, being an Act entitled "An act to amend chapter III, Title II, of part III, of the political code, by repealing Sections 1224 to 1233 inclusive; by adding Sections 1201 to 1208 inclusive, and Sections 1210 to 1216 inclusive, and by amending Sections 1209 and 1234, relating to the registration of voters", be and the same is amended so as to read as follows:

Section 1206. it is the duty of the registry agent at any time when

called on to do so, at his respective offices and not elsewhere, provided, that the Board of County Commissioners may designate places for registration, within any registry district, in addition to the home office," between the hours of nine A. M. and nine P. M., on all legal days, from nine A. M. of the fourth Monday prior to any general election to nine P. M. of the second following Saturday, to receive and register the names of all persons legally qualified and entitled to vote at such election, or who (being otherwise qualified) will have legally acquired a residence at the date of election, and who have a right to vote at such ensuing election, according to the provisions of law under which said election may be held, in each election precinct within their respective districts: provided, that such registry agent shall on the second Monday prior to any general election, between the hours of nine o'clock A. M. and nine o'clock P. M. at his main and home office in his district, receive and register, as other voters are registered, according to law, the name of all such legal voters of his said district, who are otherwise entitled to register and who shall, in addition satisfy such registry agent, by oath or affirmation and by additional evidence, if required by such registry agent, that they were, by sickness or other physical disability, or by unavoidable absence during the entire previous two weeks last past from such registration district unable to register at any time during the two weeks last past. provided, that, except in registration districts included in an incorporated town or city, which town or city contained at the last preceding State election over one thousand registered voters, such general registration of all voters shall only be required every eight years, from and after the year 1898, and any person who has been registered in any district, except as above noted, at any time within said eight year periods, and who has been a continuous resident of such district since such registration shall be entitled to vote, if otherwise qualified, without further registration. if at any time it shall be made to appear, by the affidavits of two credible and responsible electors of the district, that any registered person has died or permanently removed from the district, the registry agent shall place such affidavits on file and shall cancel the entry with red ink and shall enter the date and cause of such cancelled name shall not appear in the printed list, copies of the official registers and check lists herein provided for.

Section 2. This act shall be in force and effect from and after its passage and approval.

Approved Feby. 17th, 1899.

SENATE BILL NO. 62.

An Act to amend Section 3, of substitute for Senate Bill No. 56, of the Session Laws of the Fifth Legislative Assembly, so as to Provide for the Nomination of Candidates for School Trustees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section III, of substitute for Senate bill No. 56 of the Session Laws of the Fifth Legislative Assembly shall be amended to read as follows:

Section 3. That Section 1772, Article IV, Chapter VI, Part III, Title III, of the Political Code be amended to read as follows:

Section 1772. In districts of the second and third classes, the election of school trustees shall be held and conducted under the supervision of the Board of School Trustees. The clerk of the school district must not less than fifteen days before the election required under this Act, post notices in three public places in said district, and in incorporated cities in each ward, which notices must specify the time and place of election, and the hour during which the polls will be opened. The trustees must appoint by an order entered in their records, three qualified electors of said districts, to act as judges at, such election, and the clerk of the district shall notify them by mail of their appointment. Said judges shall appoint one of their number to act as clerk at such election. If the judges named are not present at the time for opening the polls, the electors present may appoint judges and the judges so appointed shall designate one of their number to act as clerk.

In the districts of the second and third classes, having fifty or more children of school age, the names of all the candidates for membership on the School Board must be received and filed by the clerk and posted at each polling place at least five days next preceding the election.

Any five qualified electors of the districts may file with the clerk the

nominations of as many persons as are to be elected to the School Board at the ensuing election,

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved Feb 28 1899

HOUSE BILL NO. 63.

An Act to Amend Sections 1770, 1773, 1782, and 1787 of the Political Code of the State of Montana as the same are now in force after amendment by an Act entitled "An Act to amend Sections 1770 and 1782 inclusive of Article IV., of Chapter VI, of Title III., of Part III., of the Political Code, relating to the election of School Trustees, and to amend said Article by adding thereto six additional sections with reference to the election of School Trustees, providing for registration in certain districts and compensation for School Trustees in certain Districts, and repealing all Acts and parts of Acts in conflict herewith," approved March 6th. 1897, and also to amend Sections 1793, and 1794 of said Political Code relating to School Officers.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1., That Section 1770 of the Political Code of Montana, as the same is now in force after amendment by an Act approved March 6th, 1897, be and the same is hereby amended so as to read as follows:

Section 1770. An annual election for the election of school trustees shall be held in each school district in the state on the first Saturday in April in each year, at the district school house if there be one, and if there be none, at a place designated by the Board of Trustees or the County Commissioners as the case may be. All districts having a population of twelve thousand or more are, and hereafter shall be, districts of the first class. All districts having a population of one thousand and less than twelve thousand are and hereafter shall be districts of the second class, and all districts having a population of less than one thousand are and hereafter shall be districts of the third class. In districts of the first class the number of trustees shall be seven and in districts of the second class the number of trustees shall be five and in

districts of the third class, the number of trustees shall be three. In school districts having a population of over 20,000 people, any trustee at the time of the passage of this Act, save those who are serving by appointment to fill vacancies, shall continue to hold for the term of two years from the third Saturday in the month of April of the year in which they were elected, and those filling vacancies until the third Saturday in April, 1899, and at all subsequent elections one or more trustees as the case may be must be elected, who shall each serve for a term of two years or until their successors are elected or appointed and shall have qualified. A vacancy in the office of school trustee must be filled by appointment by the County Superintendent of Schools, subject to confirmation by a majority of the remaining members of said Board, if those remaining constitute a majority of the total of said Board.

Section 2. That Section 1773 of the Political Code of Montana, as the same is now in force after amendment by an Act approved March 6th. 1897, be, and the same is, hereby amended so as to read as follows:

“Section 1773. The Board of County Commissioners shall, at least thirty days before the annual election of school trustees, by an order entered upon the minutes of their meeting, designate and establish a suitable number of polling places, and create an equal number of election precincts to correspond, and define the boundaries thereof.”

Section 3. That Section 1787 of the Political Code of Montana, as the same is now in force after an amendment by an Act approved March 6th. 1897, be and the same is, hereby amended so as to read as follows:—

Section 1787. Every School Trustee in a district of the first class, provided said District shall have a population not less than twenty thousand, shall give an official bond in the sum of ten thousand dollars, for the faithful discharge of his or her duties, which bond shall be approved by the District Judge and filed with the County Clerk, and every such trustee shall be entitled to receive out of the school funds of the district the sum of four dollars for each meeting of trustees, which he or she shall attend in giving the necessary attention to school business, not exceeding however one meeting each week, and he or she shall receive no compensation for his attendance at any meeting unless he or she attends throughout its entire session. The compensation

here provided shall be audited and allowed by the Board of Trustees and entered upon their records.

Section 4. That Section 1793 of the Political Code of the State of Montana, be, and the same is, hereby amended so as to read as follows:

"Section 1793. The School Trustees shall meet annually on the third Saturday in April, and organize by choosing one of their number chairman, and a competent person, not a member of the Board as Clerk. In districts of the first class, the clerk before entering upon the duties of his office, shall be required to give an official bond in the sum of ten thousand dollars conditioned for the faithful performance of his duties and to be approved and filed as other official bonds."

Section 5. That Section 1794 of the Political Code of the State of Montana be, and the same is, hereby amended so as to read as follows:

Section 1794. The Board shall hold, in districts of the first class, at least one and not more than five meetings each month, for the transaction of its business; and in all districts at least four meetings each year shall be held, to-wit: On the third Saturdays of April, July, October and January at such places and hours as shall be fixed by the Board. A special meeting of the Board may be held upon the call of the chairman, or of any two members of the board. At least forty-eight hours written notice shall be given to each member of the Board of any special meeting, and no business transaction by the Board shall be valid unless transacted at a regular or special meeting thereof.

Approved March 3rd, 1899.

SUBSTITUTE FOR HOUSE BILL NO. 69.

An Act to Establish County Free High Schools and to Provide for their maintenance.

Be it enacted by the Legislative Assembly of the State of Montana:—

Section 1. Any county in the State may establish a county free high school on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending district schools.

Section 2. Whenever two hundred school electors in any county shall petition the Board of County Commissioners requesting that a county high school be established in their county at a place in the said petition named, or whenever the said County Commissioners shall at their discretion think proper, they shall give twenty days notice that they will submit the question to the school electors of said county whether such high school shall be established, and at the place specified, at which election the school electors of the county shall vote by ballot for or against establishing such high school. The notices shall distinctly specify the city, town or district wherein it is proposed to establish said high school.

Section 3. The election shall be conducted in all respects the same as the election for school trustees, except that the County Commissioners shall call the election, and that there shall be no registration of voters required. After said election, the ballots on said question shall be canvassed in the same manner as in the election for county officers, and if a majority of all the votes cast shall be in favor of establishing such high school, the County Commissioners shall immediately proceed to appoint six persons, who shall be residents and taxpayers of the county, three of whom shall be residents of the township where the school is located, who shall with the county superintendent of schools constitute a Board of Trustees for said school. Each of said trustees appointed as aforesaid shall hold office until his successor is appointed and qualified, and shall be required within ten days after appointment to qualify by taking the usual oath of office, and by giving such bond as may be required by said County Commissioners for the faithful discharge of his duties.

Section 4. Said trustees shall be divided into three classes of two each, the term of office of each class to be one, two and three years respectively, the respective terms to be decided by lot. The term of office of those in the first class shall expire one year from the third Saturday in April following their appointment; the term of those in the second class shall expire two years from the third Saturday in April following their appointment, and the term of office of those in the third class shall expire three years from the third Saturday in April following their appointment.

The County Commissioners shall appoint trustees in the place of

those whose term expires or in case of a vacancy. The term of office of trustees shall be for three years.

In case of a vacancy the appointment shall be for the remainder of the unexpired term. Provided, that in all appointments of trustees under this Act, there shall be one trustee in each class who is a resident of the township in which said high school is located.

Said board of high school trustees shall be governed, as to the time and place of meeting, by the provisions of the general school law of the State.

Section 5. A majority of said board shall constitute a quorum for the transaction of all business, but four votes shall be required to decide any question.

Section 6. At their first meeting in each year the trustees shall choose from their number a president, secretary, and treasurer, who shall hold office for one year, or until their successors are appointed and qualified. Said treasurer shall give such additional bond as the County Commissioners shall deem sufficient. And said trustees shall have authority to make all necessary rules for their government not inconsistent with the law.

Section 7. At said first meeting, or at some succeeding meeting called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages and for payment of contingent expenses, and they shall present to the Board of County Commissioners a certified estimate of the rate of tax required to raise the amount desired for such purpose. But in no case shall the tax for such purpose exceed in one year the amount of ten mills on the dollar on the taxable property of the county, and when the tax is levied for the payment of teachers' wages and for contingent expenses only, it shall not exceed three mills on the dollar. Provided, that said trustees may, if in their judgment they think best, bond the county for the purpose of raising the money necessary to build and equip the high school herein provided for and to purchase a suitable site therefor. But no bonds shall ever be issued to pay for teachers' salaries or for the general expenses in maintaining said school.

Section 8. Whenever any board of trustees of any county free high school shall decide to bond the county as provided in the fore-

going Section, said trustees shall issue said bonds in the manner provided for the issuance of school district bonds. Provided, that no county shall be bonded for the above purpose in an amount to exceed one hundred thousand dollars.

Section 9. Said bonds shall be paid, principal and interest, in the manner provided for the payment for school district bonds.

Section 10. In case bonds are issued then the trustees in making estimates for the maintenance of the high school shall not include estimates for building or whatever said bonds are issued for.

Section 11. Said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school.

Section 12. The said treasurer of the high school shall receive from the county treasurer, and from all other parties, all monies that belong to the fund of said high school, and shall pay out the same only by direction of the Board of Trustees, upon orders duly signed by the president and countersigned by the secretary, stating the purpose for which they are drawn. Both the secretary and treasurer shall keep an accurate account of all monies received and expended for said school, and at the close of each year, or oftener if required by the Board of Trustees, they shall make a full statement of the financial affairs of the school.

Section 13. The said board of trustees shall proceed, as soon as practicable after the appointment aforesaid, to select at the place determined by the vote of the county, the best site that can be obtained and the title thereof shall be vested in the said county; they shall then proceed to make purchases of material and to let such contracts for their necessary school buildings as they may deem proper, but shall not make any purchase or contract in any year to exceed the amount on hand, and to be raised by the levy of tax or issue of bonds for that year. The Board of Trustees at their discretion may lease suitable buildings for the use of the high school while new buildings are in process of erection, or may, if in their judgment they deem it best, contract with the trustees of the district at the county seat for the use of any suitable building for a high school for such time as they deem for the best interests of the county.

Section 14. When such Board of Trustees shall have provided for

the county free high school contemplated in this Act, they shall employ some suitable person, who shall take charge of the same, and teach in the same, and shall be known as the principal of such school; and the trustees shall furnish such assistant teachers as they may deem necessary, and shall provide for their salaries.

Section 15. The principal of any such high school, with the approval of the Board of Trustees, shall make such rules and regulations as he may deem proper in regard to the studies, conduct and government of the pupils under his charge; and if any such pupils will not conform to nor obey the rules of the school, they may be suspended or expelled therefrom by the Board of Trustees.

Section 16. There shall be provided such courses of study as will properly fit the student attending said high school for admission to the freshman class of any of the State educational institutions, and shall contain the work provided for accredited high schools by the State Board of Education.

Section 17. Tuition shall be free to all pupils residing in the county where the school is located. The Board of Trustees shall make such general rules and regulations as they deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such school; provided, that no person shall be admitted to such high school who shall not have passed a satisfactory examination or who does not hold an eighth grade common school certificate. If there should be more applicants than can be accommodated at any one time, each district shall be entitled to send its equal proportion of pupils, according to the number of pupils it may have, as shown by the last report to the county superintendent of public instruction; and the boards of the respective school districts shall designate such pupils as may attend, subject to the proviso above.

Section 18. If at any time the school can accommodate more pupils than apply for admission from the county in which the school is situated, the vacancies may be filled by applications from other counties upon the payment of such tuition as the Board of Trustees may prescribe; but at no time shall such pupils continue in such school to the exclusion of pupils residing in the county in which such school is situated.

Section 19. The trustees shall serve without compensation, and shall make such reports to the County Superintendent as he may re-

quire or as may be required by the Superintendent of Public Instruction.

Section 20. Upon the presentation of a certificate of graduation from any such county high school, within one year from the date of the same, to any State institution of learning, the person presenting the same may be admitted without further examination to said institution of learning.

Section 21. The County Commissioners of any county of Montana be and they are hereby authorized to negotiate with the school district at the county seat of such county for the establishment of a county high school.

Section 22. For the purpose of carrying this Act into effect the Board of County Commissioners in such counties may employ such number of teachers in addition to those regularly employed by the district at the county seat, as shall in their judgment be necessary for the purpose of conducting such schools, and pay such teachers from the general fund of the county. Provided the management of such high school shall be under the trustees of said district.

Section 23. Such county high school shall be free to all persons of school age in their respective counties.

Section 24. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved Mch 3rd 1899

HOUSE BILL NO. 16.

An Act to empower the Board of School Trustees of any District to Establish and maintain Free Kindergartens for the Instruction of Children between three and six years of age.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The school board of any school district in the State shall have power to establish and maintain free kindergartens in connection with the public schools of said district, for the sustruction of children between three and six years of age, residing in said district and shall establish such courses of training, study and discipline, and such rules and regulations governing such preparatory or kindergarten schools

as said board may deem best; Provided, That nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of state and county school funds among the several counties and districts in this State; Provided, further, That the cost of establishing and maintaining such kindergartens shall be paid from the school funds of said districts, and the said kindergartens shall be a part of the public school system and governed as far as practicable in the same manner and by the same officers as is now, or hereafter may be, provided by law for the government of the other public schools of the State; Provided further, That the teachers of kindergarten schools shall pass such examination on kindergarten work as the kindergarten department of the State Normal School may direct, provided that a certificate from a kindergarten teacher's institute of recognized standing shall be recognized by the State Normal School.

All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved Feb 16th 1899

SUB. FOR HOUSE BILL NO. 5.

An Act to provide for the election of Road Supervisors, to define and regulate their powers and duties, to fix their compensation, and to repeal an Act entitled "An Act to define the powers and duties of County Surveyors and provide for their compensation, and to abolish the office of Road Supervisor; approved March 4th., 1897"

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That on or before the 10th., day of March, 1899, it shall be the duty of the County Commissioners, of the several Counties of this State, to divide their respective Counties into as many Road Districts as in their judgement will best conserve the public good, and to appoint a road supervisor for each road district, who shall hold his office until removed by said Board of Commissioners, or until his successor is elected and qualified.

Section II The laying out of all new roads, the purchase of all material for road use, the building of all bridges, the abandonment

of all old roads shall be passed upon and granted and allowed by the County Commissioners. Any ten residents of a Road District may petition in writing the County Commissioners, of the County to alter or discontinue any highway, or to lay out a new highway therein. On a receipt of a petition to alter, Discontinue or lay out a new road, within the County as above provided, it shall be the duty of the County Clerk of the County to send two notices to one of said petitioners to post, which notices are to be posted, one at the beginning and one at the termination of the Road which it is proposed, to alter, discontinue or lay out, and the County Clerk shall post a like notice on the door of the County Clerk's office, of said County. Each of said notices shall contain a description of the route of the Road which it is proposed to alter, discontinue, or lay out, and shall state the place of beginning of the same and the termination thereof. The Chairman of the Board of County Commissioners, shall name three persons to act as viewers of said Road one of whom shall be one of the petitioners, aforesaid, and such persons shall be notified, by Registered Mail by the County Clerk, to present themselves at the place of beginning of said Road, at the time stated in said notice to view said Road. Before beginning the view of any road, the County Clerk shall require sworn proof of the posting of the Notices herein provided for, and all Notices shall be given at least ten, and not more than forty days before the viewing of any Road is made. After said viewers, chosen as above provided, have been sworn, they shall proceed to view the Road which it is proposed to alter, lay out or discontinue, if the petition ask for the laying out of a new Road, and after having viewed said proposed Road, said viewers approve of the same, the County Commissioners shall immediately cause said Road to be surveyed.

Section III. "The office of Road Supervisor is hereby established. A Road Supervisor for each road district in this State shall be elected annually, by the male voters in each road district at the time prescribed by law for the election of school trustees, and at the place designated by the Board of County Commissioners: Provided, that there shall be but one polling place in each road district, and the polls at such election, shall, be kept open between the hours of 8 A. M. and 2 P. M. of such day "

Section IV. At least fifteen days before the election, required under this Act, the County Clerk and Recorder of the County shall post

notices in at least three public places in each road district within the County, which notices shall specify the time and place of election, and the hours during which the polls will be open.

Section V. The Board of County Commissioners in each County shall appoint three male citizens in each road district within the County, who shall act as judges of the election within their district.

Section VI. All laws relative to the election of School Trustees, so far as not inconsistent with this Act, are hereby made applicable to the election, of Road Supervisor in each road district.

The County Commissioners shall prescribe the form of ballots to be used for the election of Road Supervisors in all districts within their County, and shall provide the judges of election within each Road District with a special ballot box, to be used for the deposit of ballots, in the election of Road Supervisor.

Section VII The judges of election, after canvassing, the votes, which must be completed within five days after the election, shall deliver to the County Clerk and Recorder of the of the County within the period above described, a certificate duly sworn to by each of the judges, showing the number of votes cast for each candidate, and the name of the person elected; and it shall be the duty of the County Clerk and Recorder thereupon to make and deliver certificates of election to the persons shown to be entitled thereto, by the return, of the judges of election, of the several road districts within the County.

Section VIII The person so elected shall make written oath or affirmation of office before entering upon the discharge of his duties, to the effect that he will, at all times, during his term of office, faithfully perform all duties prescribed for him by law, to the best of his ability, which oath or affirmation shall be filed with the County Clerk and Recorder of the County. Road Supervisors shall hold office within the district for which they are elected, for the full period of one year, beginning the first day of May, following their election, and ending the 30th day of the following April, or until their successors are elected and qualified.

Section IX. Road Supervisors shall give bond of five hundred dollars before entering upon the duties of their office, with two good and sufficient sureties, payable to the County in case of breach of its condition, conditioned for the faithful performance of all his duties as

prescribed by law, which bond shall be filed with the County Clerk and Recorder, not later than the first day of May following election. All moneys collected as penalties under this section shall be paid to the County Treasurer of the County, and shall constitute a road fund for the particular road district.

Section X. A vacancy occurring in the office of Road Supervisor in any district shall be filled by the Board of County Commissioners, of the County in which the road district is situated, and the person so appointed, to fill a vacancy shall hold office until the next annual election of the district, or until his successor is elected and qualified.

Section XI In case of the change of boundaries of any road district, during the term of office of any Road Supervisor, he shall remain in charge of all roads within the limits of the district for which he was elected, until the next annual school election, and his successor, or successors have been elected and qualified.

Section XII. The Road Supervisor shall be allowed a compensation of \$3.00 per day for each day of eight hours, and proportionately for a fraction of the same, while actually engaged in performing the duties required of him by virtue of this Act, which shall be audited and allowed by the Board of County Commissioners on presentation of them of vouchers showing the number of days actually employed, sworn to by the Supervisor.

Section XIII. Road Supervisors under the direction and supervision of the County Commissioners, shall:

- I. Take charge of all highways within their respective districts;
- II. Keep them clear of obstruction and in good repair;
- III. Cause banks to be graded, bridges and causeways to be made where necessary, and to keep the same in good repair and renew them when destroyed;
- IV. "Make any and all repairs or improvements on any or all public roads within his district which are necessary and beneficial to the district: Provided, that in making such repairs or improvements, no more money shall be expended by such Road Supervisor than has previously been set aside by the Board of County Commissioners, for such purpose, and in making such repairs, or improvements, said Road Supervisor, so far as is practicable, shall permit persons from whom a special road tax is due, to work out their road tax."

V Present his vouchers to the County Commissioners, of his County for work and labor performed by him, as required by Section II of this Act, semi-annually, on the first days of April and November of each year.

Section XIV. The judges of election for the several districts within the several counties, for the election of Road Supervisors shall be appointed by the Board of County Commissioners at their regular session next preceding the election of road supervisors in the County.

Section XV. An Act entitled an Act to define the powers and duties of County Surveyors, and to provide for their compensation and to abolish the office of Road Supervisor: Approved March, 4th., 1897, and all other Acts or parts of Acts in conflict with any provisions of this Act, are hereby repealed.

Section XVI. This Act shall take effect from and after date of its passage.

Approved March 3rd, 1899.

HOUSE SUBSTITUTE FOR SENATE BILL NO. 38.

An Act to Repeal Sections 2640, 2642, 2643 and 2680 as Amended, of House Bill No. 280, of the Fifth Legislative Assembly of Montana, Relating to the Levy, Collecting and Disposition of Road Tax, and to provide for the Collection of a Special Road Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every male inhabitant of this state over twenty-one and under forty-five years of age, except paupers, insane persons and Indians, not taxed, must annually pay a special road tax of two dollars.

Section 2. Any person whose special road tax is unpaid by the first day of July of each year, and has no property subject to seizure or other means of paying cash, shall perform one day's labor of eight hours, on the public highways or bridges, at any reasonable time or place designated by the road supervisor.

Section 3. The County Treasurer must, before the first Monday of March of each year, cause to be printed blank special road tax receipts for the use of the assessor.

Section 4. The Treasurer must, before the first Monday in March of each year:

1. Number and sign the blank road tax receipts.
2. At the time of signing make an entry of the whole number thereof, and of the first and last numbers placed thereon, in a book by him kept for that purpose.
3. Deliver all such blanks to the County Clerk, and charge him therewith.

Section 5. The County Clerk upon the receipt thereof, must sign the same, and make in a book to be kept by him for that purpose a similar entry to that prescribed in subdivision 2, of the preceding section.

Section 6. The County Clerk must, at any time after the first Monday in March, deliver to the assessor the blanks and charge him therewith.

Section 7. The assessor must demand payment of special road tax of every person liable therefor whose name does not appear upon the assessment list, and on the neglect or refusal of such person to pay the same, he must collect by seizure and sale of, any personal property owned by such person. Special Road Tax shall be added upon the assessment list to other taxes of persons liable therefor, paying taxes upon real and personal property, and paid to the County Treasurer at the time of the payment of other taxes.

Section 8. The sale may be made after fifteen days written notice of time and place, and the provisions of Sections 3902, 3905 and 3907, inclusive, of the Political Code apply to such seizure and sale.

Section 9. Every person, corporation or association employing one or more persons subject to road tax are liable for any and all road taxes that may be due from such employees, and may deduct the amount paid out for such road taxes, from any sums due, or that may afterwards become due, from such employees, whether the wages are payable directly to the employees or to other persons who furnish such employees under contract.

Section 10. The assessor may require the person or his agent or any officer or agent or manager of any association or corporation to make a verified statement showing the number and giving the names of the employees of such persons, association or corporation, and if such statement is not furnished the assessor must make an estimate of the

persons so employed and assess them, and such assessment is as valid as if made on a verified statement. The person, association or corporation refusing to make such verified statement, forfeits the sum of five hundred dollars, which may be recovered in an action brought in the name of the county.

Section 11. The assessor, in case of a failure of a person, corporation or association to pay the road tax in the manner mentioned in this chapter, must seize so much of the property of such person, association or corporation as will be sufficient to pay the road tax and costs, and sell the same as provided in this chapter.

Section 12. Every person paying the special road tax of another may deduct the same from any indebtedness of such other person.

Section 13. The assessor must deliver the special road tax receipt, filled out in the name of the person owing the taxes, to the purchaser of property at any such sale; in other cases he must deliver it, filled out in like manner, to the person paying the tax.

Section 14. On the first Monday in each month the assessor must make oath before the County Clerk of the total amount of special road taxes collected by him during the last preceding month, and at the same time furnish the County Commissioners with a sworn report as to the number of delinquents, and the reasons for such delinquencies, and must, at the same time, settle with the County Clerk for the same, and pay into the County Treasurer's office the total amount of special road taxes collected, which amounts will be placed to the credit of the respective districts from which they were collected.

Section 15. On the first Monday in December of each year the assessor must return to the County Clerk all the special road tax receipts received by him and not used, and must make final settlement with the County Clerk and Treasurer therefor.

Section 16. The County Clerk must, as soon as the settlement is made, return to the Treasurer the receipts not used.

Section 17. The treasurer must credit the County Clerk with the receipts so returned, and must thereupon seal them up securely and deposit them in his office.

Section 18. The assessor must keep a role of the names and local residence, or place of business, of all persons subject to or liable to

special road tax, and if paid, date and amount of each payment, and if not paid, cause of non-payment.

Section 19. The proceeds of the special road tax must be paid to the County Treasurer, as provided by law, for the exclusive use of the special road funds of the county.

Sectoin 20. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3rd, 1899.

SENATE BILL NO. 30.

An Act Abolishing the Office of Reporter of the Supreme Court, requiring the persons who may be Justices of said Court to Report Decisions, and fixing their duties and their compensations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The office of Reporter of the Supreme Court is hereby abolished.

Section 2. The persons who may be, and are, Justices of the Supreme Court, shall report the decisions of the Supreme Court. They shall each receive an annual salary of \$1,500, payable in the same manner as are salaries of other State officers, which said salaries shall be in full compensation for the performance of the duties of reporting the decisions of said Court.

Section 3. The persons occupying the positions as aforesaid, shall hereafter perform all the duties heretofore required by law to be performed by the Reporter of the Supreme Court, as provided for by Sections 891, 892, 893, 894, 895, 896 and 897, of Article II, Chapter VI, of the Political Code of the State of Montana, relating to the Reporter of the Supreme Court, and by the provisions of an Act to amend an Act entitled an Act to amend Section 890 of the Political Code of the State of Montana, relating to the appointment, qualification and salary of the Reporter of the Supreme Court, approved March 4, 1897.

Section 4. Nothing in this Act contained shall in any manner be construed in any way to affect any contract in existence at the time of the enactment of this law for the publication of the Montana reports,

made pursuant to the provisions of Section 893 of the Political Code of the State of Montana.

Section 5. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect from and after its passage.

Approved March 10th 1899

HOUSE BILL NO. 17.

An Act, to Provide for the Organization, Government and Control of a Fire Department for Cities and Towns, regulating appointments Thereto, and Providing for the creation of a Disability Fund for the care and Maintenance of Firemen disabled in the line of duty, and to punish Frauds thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Council of Cities and Towns shall have power to establish a Fire Department and prescribe and regulate its duties, to maintain a fire-alarm telegraph, to erect engine, hose and hook-and-ladder houses, and provide engines and other implements and apparatus for the extinguishing of fire.

Section 2. Such Fire Department, when established, by the Council, shall consist of:

One Chief of the Fire Department,

As many Assistant Chiefs of the Fire Department and such number of firemen as the Council may from time to time provide.

The compensation of the Chief of the Fire Department and Assistant Chief of the Fire Department and firemen in cities and towns where the Council shall establish a Paid Fire Department, shall be fixed by ordinance. The Mayor shall nominate and with the consent of the Council appoint the Chief of the Fire Department, the Assistant Chief of the Fire Department and all firemen, and such appointment shall be first made for a probationary term of six months, and thereafter the Mayor may nominate and with the consent of the Council appoint such Chief and Assistant Chief of the Fire Department and firemen who shall thereafter hold their appointment during good behavior, and having the physical ability to perform their duties. The Chief of

the Fire Department and the Assistant Chief of the Fire Department and the firemen shall not be deemed officers of the Municipal Corporation in which such Fire Department is established.

Section 3. The Mayor may suspend the Chief and Assistant or any fireman of the Fire Department for neglect of duty or a violation of any of the rules and regulation of the Fire Department; the Chief of the Fire Department may suspend the Assistant Chief of the Fire Department or any fireman and the Assistant Chief of the Fire Department may suspend any fireman for a like cause.

In all cases of suspension the person suspended must be furnished with a copy of the charge against him in writing, setting forth reasons for the suspension and such charges must be presented to the next meeting of the Council and a hearing had thereon, when the suspended member of the Fire Department may appear in person or by counsel and make his defense to said charges; if such charges are found proven by the Council, the Council by a vote of a majority of the whole Council, may impose such penalty as it shall determine the offense warrants, either in the continuation of the suspension for a time limited, or in the removal of the suspended person from the Fire Department; should the charges be not presented to the next meeting of the Council after the suspension, or should the charges be found not proven by the Council, the suspended person shall be re-instated and be entitled to his usual compensation for the time so suspended.

Section 4. Should the Council at any time reduce the number of firemen in the Fire Department, those most recently appointed shall be selected for retirement from the Fire Department, and the City or Town Clerk shall keep a list of such retired firemen, and should the number of firemen be again increased by the Council, the men on said list shall be called into service, the longest service firemen being first selected for service in the Fire Department.

Section 5. The qualifications of firemen shall be that they shall be qualified voters of the City or Town, and not over forty-five years of age, and if there should be any firemen in the existing Fire Department in Cities and Towns whose age is forty-five years or over, the same be retired from service, at the time of their appointment, and shall have passed a physical examination by a practicing physician duly authorized to practice in this State, which examination shall be in writing and filed with the City or Town Clerk. Such examination

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shall disclose the ability of such applicant to perform the physical work usually required of firemen in the performance of their duty.

Section 6. The Chief of the Fire Department shall have sole command and control over all persons connected with the Fire Department of the City or Town and shall possess full power and authority over its organization, government and discipline, and to that end may from time to time establish such disciplinary rules and regulations as he may deem advisable, subject to the approval of the City or Town Council; he shall have charge of and be responsible for the engines and other apparatus, the property of the Town or City furnished the Fire Department, and see that they are at all times ready for use in the extinguishing of fires. The Assistant Chief of the Fire Department shall aid the Chief in the work of the department, and in his absence shall perform his duties.

Section 7. In Cities and Towns where Fire Departments are now established, organized and existing as provided in this act, the same shall be deemed to be established hereunder.

Section 8. There shall be created and established in each city and town where there is an established Fire Department, a fund in the City or Town Treasury to be known as the "Disability Fund" of the fire Department of said City or Town. The Mayor, Clerk and Attorney for such City or Town shall be the Trustees of said Fund, and shall audit the same from time to time at least twice each fiscal year; and no payments shall be made therefrom except upon the order of the Council upon the recommendation of the Trustees in writing to the Council stating the name of the beneficiary, the character of the disability, and where and how received, and the amount to be paid to such beneficiary, and no payments must be made from said funds unless the beneficiary thereof has received the disability for which the payment is made in the line of active duty in such Fire Department; nor shall any of said fund be applied to any purpose whatsoever than the relief of firemen of such City or Town, who may be disabled in line of duty, nor shall such City or Town be liable for such disability, or in any way assume liability thereon, but such fund shall be and remain a fund in such City or Town treasury to be drawn upon by the warrant of the Mayor, countersigned by the Clerk, in such sums as the Trustees shall recommend and the Council allow, until such fund may be exhausted, when no further warrant thereon shall be issued nor any liability on such fund be created. The Disability Fund of the Fire

Department of a City or Town shall consist of such sums as may be derived from the taxation of Insurance Companies or Corporations as provided by Section 681 of the Civil Code and Acts amendatory thereof, donations to the Fire Department from any source in land, money or other valuable gift, bequest or otherwise, and no member of the Fire Department shall receive any gift of money or other valuable thing other than his salary as fixed by ordinance, for any service rendered as a member of such Fire Department, but the same shall be turned into such Disability Fund.

Section 9. Any person who shall embezzle any of the moneys or other valuable things belonging to the Disability Fund of the Fire Department of any City or Town, or who shall devise, take part in or aid in any scheme whereby the said fund may be defrauded, shall be guilty of a felony and on conviction thereof shall be punished by imprisonment in the state prison for not less than two nor more than fifteen years.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed, Provided, that nothing herein contained shall be held or construed to affect any fire organization known as Volunteer Fire Company.

Section 11. This act shall take effect and be in force from and after June 1st, 1899.

Approved March 7th 1899.

HOUSE BILL NO. 71.

An Act To Amend Section 4450 of the Political Code of the State of Montana Relating to Duties of County Attorneys

Be it enacted by the Legislative Assembly of the State of Montana

Section I. That Section 4450 of the Political Code of the State of Montana, be amended so as to read as follows:

Sec. 4450. The county attorney is the public prosecutor, and must:

I Attend the district court and conduct on behalf of the State all prosecutions for public offenses, and represent the State in all matters and proceedings to which it is a party, or in which it may be bene-

ficially interested, at all times and in all places within the limits of his county

II Institute proceedings before magistrates for the arrest of persons charged with, or reasonably suspected of, public offenses, when he has information that such offenses have been committed, and for that purpose, whenever not otherwise officially engaged, must attend upon the magistrate in cases of arrest, and attend before and give advice to the grand jury whenever cases are presented to them for their consideration.

III Draw all indictments and informations, defend all suits brought against the State or his county, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties and forfeitures accruing to the State or his county

IV Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

V On the first Monday of January, April, July, and October, in each year, file with the county clerk an account, verified by his oath of all moneys received by in his official capacity during the preceding three months, and at the same time pay it over to the county treasurer.

VI Give when required, and without fee, his opinion in writing to the county, district and township officers, on matters relating to the duties of their respective offices.

VII Keep a register of all official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially, and of the proceedings therein.

Approved Feb 20th 1899.

HOUSE BILL NO. 118.

An Act entitled, An Act Amending Section 4333, of Chapter III, of Article I, of the political Code, relating to Bonds of County Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4333 of the Political Code of the State of Montana be amended so as to read as follows:

Section 4333. County officers must execute official bonds corresponding to the class of the county of which they are officers, in not less

than the following amounts, as may be determined by the Board of County Commissioners:

Sheriffs

First class, thirty thousand dollars.

Second class, twenty-five thousand dollars.

Third class, twenty thousand dollars.

Fourth class, fifteen thousand dollars.

Fifth class, twelve thousand dollars.

Sixth, Seventh, and eighth classes, ten thousand dollars.

County Clerk, Assessors, and Clerk of the District Court:

First class, twenty-five thousand dollars.

Second class, twenty thousand dollars.

Third class, fifteen thousand dollars.

Fourth class, twelve thousand dollars.

Fifth class, ten thousand dollars.

Six, seventh, and eighth classes, eight thousand dollars.

County Auditor

First class, thirty thousand dollars.

Second class, twenty-five thousand dollars.

Third class, twenty thousand dollars.

Treasurers:

First, second and third classes, one hundred and fifty thousand

Fourth class, one hundred and twenty-five thousand dollars.

Fifth class, one hundred thousand dollars.

Sixth, seventh and eighth classes, forty thousand dollars.

County Attorneys, County Surveyors, School Superintendents:

First, second and third classes, ten thousand dollars.

Fourth class, five thousand dollars.

Fifth class, three thousand dollars.

Sixth, seventh and eighth classes, two thousand dollars.

Coroners and Public Administrators:

First, second and third classes, fifteen thousand dollars.

Fourth class, twelve thousand dollars.

Fifth class, ten thousand dollars.

Sixth, seventh and eighth classes, eight thousand dollars.

County Commissioners

First, second and third classes, fifteen thousand dollars.

Fourth class, ten thousand dollars.

Fifth class, eight thousand dollars.

Sixth, seventh and eighth classes, five thousand dollars.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved March 7th 1899.

SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 36.

An Act to Amend Sections 1053, 1057, 1058, 1059, 1067, 1073, and 1084 in Article IX, of Chapter VII, of Title I, of Part III, of the Political Code of the State of Montana, Relating to Bonds of Officers and Other Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That Section 1053, of the Political, Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Sec. 1053. Unless otherwise prescribed by statute the official bonds of county, township, and school district officers, must be approved by the judge of the district court, and filed and recorded in the office of the county recorder.

Sec, II That Section 1057, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Sec. 1057. The condition of every official bond must be that the principal shall well, truly and faithfully perform all official duties then required of him by law, and also such additional duties as may be imposed on him by any law of the State subsequently enacted, and that he will account for and pay over and deliver to the person or officer, entitled to receive the same, all moneys or other property that may come into his hands as such officer. The principal and sureties upon any official bond are also in all cases liable for the neglect, default or misconduct, in office of any deputy, clerk or employee, appointed or employed by such principal.

All official bonds must be signed and executed by the principal and two or more sureties, or by the principal, and one or more surety companies organized as such under the laws of this State, or licensed to do business herein.

Section III That Section 1058 of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 1058. The individual sureties on all official bonds must justify before an officer authorized to administer oaths by an affidavit, to the effect that they are residents and householders or free holders within the State of Montana, and that each is worth the sum for which he becomes surety in said bond over and above his just debts and liabilities, exclusive of property exempt from execution. No surety company or corporation organized under or that has complied with the laws of this State, and has been duly licensed, to do business as such herein, shall be required to justify as a surety, and no such company or corporation shall be accepted, as a surety in any case when its liabilities exceed its assets, as ascertained in the manner provided by law.

No member of the Board of County Commissioners, can be accepted as a surety upon the official bond of any county, township or school district officer in his county; nor must any county officer become a surety upon the official bond of any other county officer.

Section IV. That Section 1059, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 1059. When the penal sum of any bond required to be given amounts to more than one thousand dollars, the sureties may become severally liable for portions not less than five hundred dollars thereof, making in the aggregate a liability of double the amount named as the penal sum of the bond. And if any such bond becomes forfeited, an action may be brought thereon against any or all of the obligors and judgement entered against them either jointly or severally, as they may be liable. The judgment must not be entered against a surety severally bound for a greater, sum than that for which he is specially liable by the terms of the bond. Each surety is liable to contribute to his co-sureties in proportion to the amount for which he is liable.

Section V. That Section 1067, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section. 1067. Whenever it is shown by the affidavit of a creditable witness, or otherwise comes to the knowledge of the court, judge, board, person or body whose duty it is to approve the official bond of any officer, that the sureties on any bond given pursuant to the provisions of this article as amended by this Act, or any one of them have since such bond was approved died, removed from the State, becomes insolvent, or from any other cause have become incompetent or insufficient sureties on such bond, the court, judge, board, officer or other person may issue a citation to such officer, requiring him on a day therein named, not less than five nor more than ten days after date, to appear and show cause why such office should not be vacated, which citation must be served and return thereof made as in other cases. If the officer fails to appear and show good cause why such office should not be vacated, on the day named, or fails to give ample additional security, the court, judge, board, officer, or other person must make an order vacating the office, and the same must be filed as provided by law.

Section VI. That Section 1073, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read: as follows:

Section 1073. Whenever any sureties on the official bond of any officer wish to be discharged from their liability, they and such officer may procure the same to be done, if such officer will execute a new bond in accordance with the provisions of this Article as amended by this Act, in like form, penalty and conditions and to be approved and filed as the original bond. Upon the filing and approval of the new bond, such first sureties are exonerated from all further liability; but their bond remains in full force as to all liabilities incurred previous to the approval of such new bond. The liability of the principal and surety or sureties in such new bond is in all respects the same, and may be enforced in like manner as the liability of the principal and sureties of the original bond.

Section 7. That Section 1084, of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 1084. The provisions of this Article, as the same shall be in force after amendment by this Act, shall apply to all official bonds, and to the bonds and undertakings of receivers, executors, administrators and guardians, and to bonds and undertakings given in injunction proceedings, and to all bonds and undertakings required by law to be given and approved by any court, judge, board, person or body, and, except as to requirements of such approval, the provisions shall apply to all bonds given or required by law to be given in attachment proceedings, criminal actions or proceedings, bail bonds, appeal bonds, and all bonds given or required to be given in any legal proceedings or actoin in any court of this State.

Approved March 7th 1899.

SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 36.

An Act to Permit Foreign Surety Companies to do business in this State, and regulating the method thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. Any surety company with a paid up capital of two hundred and fifty thousand dollars, and having assets equivalent to said sum, incorporated under the laws of any State of the United States, other than this State or under the laws of any foreign, country, either solely or among other things for the purpose of transacting business as surety on obligatoins, bonds or undertakings of persons or corporations, may transact such surety business in this State, upon complying with the provisions of this Act, and not otherwise. Every such surety company must, before commencing to do business in this State, comply with the law regulating foreign corporations, except that it need not file copies of its charter, statements, appointment of agent or reports, in counties other than the one in which is located its office or principal place of business within this State Thereupon, such surety company may present to the State Auditor proof satisfactory to him that it has complied with this Act and that it is a surety company entitled to do business in this State under the provisions hereof. and upon payment to him of the license fee required of general insurance companies by the laws of this State, he shall issue it a license authorizing it to transact business, within this State. The moneys arising

from the issuance of such license shall be paid into the State Treasury and disposed of as are other moneys arising from license taxes. No license shall be issued to any such surety company whenever its liabilities shall exceed its assets, and whenever the Auditor shall become satisfied that the liabilities of any surety company, to which license has been issued, exceed its assets, he shall send a notice in writing, to the secretary of such company stating the fact and requiring the deficiency to be paid up within ninety days from the date of such notice, and if it is not so paid up within the time limited, he shall issue a certificate setting forth the amount of such deficiency, and the license of such company is thereby cancelled. The said certificate shall be published in a daily paper printed at the City of Helena once a week for three weeks, and from the date of the first publication of such certificate such company shall be prohibited from doing business within this State. In ascertaining the condition of any such company under the provisions of this Act, the Auditor shall allow as assets only such as are authorized under existing laws at the time, and shall charge as liabilities, in addition to eighty per cent of the capital, stock, all outstanding indebtedness of the company, and a premium reserve equal to fifty per centum of the premiums charged by said company on all risks then in force.

Section II. Whenever any bond, undertaking, recognizance or other obligation is by law, or the charter, ordinance, rules or regulations of any municipality, board, body, organization, or public officer, required or permitted to be made, given, tendered or filed, with surety or sureties, and whenever the performance, of any act, duty, or obligation, or the refraining from any act, is required or permitted, to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety company qualified to act as surety or guarantor as above provided, and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be in all respects a full and complete compliance with every requirement of the law, charter, ordinance, rule or regulation, that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such surety shall be a resident, or householder, or freeholder, or either or both, or possessed of any other qualifications; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat accordingly such bond, undertaking, obligation,

recognizance or guaranty when so executed by such company, as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

Section III That from and after the passage of this Act the surety, or the representative of any surety, upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary may apply by petition to the court wherein said bond is directed to be filed or which may have jurisdiction of such trustee, committee, guardian, assignee, receiver, executor or administrator or fiduciary, praying to be relieved from further liability as such surety for the acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator or fiduciary which may occur after the date of the order relieving such surety to be granted as herein provided for and to require such trustees, committee, guardian, assignee, receiver, executor or administrator or fiduciary, to show cause why he should not account and said surety be relieved from such future liability as aforesaid and said principal be required to give a new bond; and thereupon, upon filing of said petition, said court shall issue such order returnable at such time and place and to be served in such manner as said court shall direct and may restrain such trustee, committee, guardian, assignee, receiver, executor or administrator or fiduciary from acting excepting in such manner as it may direct to preserve the trust estate; and upon the return of such order to show cause if the principal in the bond account in due form of law and file a new bond duly approved then said court must make an order releasing said surety filing the petition as aforesaid, from liability upon the bond for any subsequent act or default of the principal; and in default of said principal thus accounting and filing such new bond said court must make an order directing such trustee, committee, guardian, assignee, receiver, executor or administrator or fiduciary, to account in due form of law and that if the trust fund or estate shall be found or made good and paid over or properly secured such surety shall be discharged from any and all further liability as such for the subsequent acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator or fiduciary after the date of such surety being so relieved or discharged, and discharging such trustee, committee, guardian, assignee, receiver, executor or administrator.

Section IV That it shall be lawful for any executor, administrator, receiver, trustee, curator, or other fiduciary, or party of whom a bond,

undertaking or other obligation is required with surety or sureties to agree with the surety or sureties thereupon for the deposit for safe keeping of any and all moneys and other depositable assets for which such surety or sureties may be held responsible, if such deposit is otherwise proper, with a bank, safe deposit or trust company, authorized by law to transact business as such in this State, or other depository approved by the court in which such bond is filed, or a judge thereof, in such manner as to prevent the withdrawal of such moneys and assets or any part thereof, without the written consent of such surety or sureties or an order of such court or judge, made on such notice to such surety or sureties, as such court or judge may direct.

Section V Any company which shall execute any bond or undertaking as surety under the provisions of this Act, shall be estopped, in any proceeding to enforce the liabilities which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

Section VI That if any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such bond, undertaking, recognizance, or other obligation made or guaranteed by it under the provisions of this Act, from which no appeal, writ of error or supersedeas has been taken for ninety days after the rendition of such judgment or decree, it shall forfeit all right to do business under this Act and the Auditor shall revoke its license.

Section VII. That all Acts and parts of Acts inconsistent with this Act be and the same are hereby repealed.

Approved February 24 1899.

HOUSE BILL NO. 43.

An Act to provide for an assistant for the Register of the State Land Office; to fix the salary thereof and designate the fund from which he shall be paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. The Register of the State Land Office is hereby authorized to Appoint, subject to the approval of the State Board of Land Commissoiners, a Deputy Register, who shall, under the direction of the Register of the State Land Office, perform such duties as may properly be done by the Register.

Section 2. The salary of such Deputy shall be fifteen hundred dollars, (\$1,500) per annum, which shall be paid out of the funds derived from the sale and leasing of state lands and which shall be apportioned among the several funds by the State Board of Land Commissioners.

Section 3. The Deputy Register shall furnish a bond, signed by two bondsmen, residents of the State, in the sum of ten thousand dollars, said bond to be approved by the State Board of Land Commissioners.

Section 4. This Act shall take effect upon its passage and approval.

Approved Feb. 24th 1899.

HOUSE BILL NO. 146.

An Act providing for the appointment, qualification, and salary of a Deputy State Treasurer, Deputy State Auditor, and Deputy Secretary of State and Deputy Attorney General and fixing their compensation.

Section 1. That the State Treasurer, State Auditor and Secretary of State shall each appoint a deputy who, in the absence of his principal, or in case of vacancy in his office, shall perform all the duties of office until such disability be removed or vacancy be filled. Such deputy shall subscribe, take and file the oath of office provided by law for other State officers before entering upon the performance of his duties. The principal shall be responsible under his official bond for all the official acts of his deputy and may revoke such appointment at his pleasure, and may require the deputy to give him a bond in such sum as the principal may determine; which bond shall be made, executed approved and filed as other State official bonds. Each of said deputies shall receive an annual salary, Deputy State Treasurer, eighteen hundred dollars. Deputy State Auditor, eighteen hundred dollars. Deputy Secretary of State, eighteen hundred dollars. Deputy Attorney General, eighteen hundred dollars, payable in the same manner and at the same time as are the salaries of other State officers.

Section 2. This Act shall take effect and be in force from and after its passage.

Approved March 7th 1899.

HOUSE BILL NO. 45.

An Act Relating to the Appraisal, Sale and Leasing of State Lands, Repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3733, of the Political Code of the State of Montana, and substituting therefor certain sections to Be Numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507.

Be it enacted by the Legislative Assembly of the State of Montana:—

Section I. That Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3533, be, and the same are, hereby repealed.

Section II. Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, are hereby enacted and added to Article I, Title VIII, Part III, of the Political Code, as follows:

Section 3475 The Board may if in its judgment it is necessary cause all land held in trust by the State, to be reappraised by the State Land Agent or his assistants once every five years and whenever complaint shall be made to the State Board of Land Commissioners by at least ten householders of any school district, in which State lands are situated, that such lands or any portion thereof are appraised too high or too low, the Board shall, by an order entered upon their minutes, direct the State Land Agent to reappraise such lands, and if upon such appraisement, the Board is satisfied that such lands are appraised too high or too low the Board may value the same at their real value and enter the same in their books of record. Provided, however, that said Board may at any time of their own motion by an order entered of record, direct the State Land Agent to reappraise any part or portion of the State Lands in any county in the State. Provided that such reappraisement shall not take effect until the lands affected thereby are regularly advertised and offered for sale or lease as hereinafter directed; and Provided, further that whenever any lot or tract of land has been put up for sale or lease and no bids have been received for same and no application be made for the purchase or leasing within a reasonable time, the Board may, if in its opinion the appraisal was too high re-

duce the same, but such reduction must not exceed ten per cent in any one year.

Section 3478 The Board may from time to time direct that the lands belonging to the State be offered for sale and lease at public auction to the highest bidder, such sale and leasing to be conducted by the Register of the State Land Office, and held at the Court House of the county wherein such land is situated. Each quarter section or such portion thereof as belongs to the State shall be offered for sale separately. Smaller lots only must be sold when it is impossible to sell as above described or when thereby a larger piece will be obtained, but not more than one hundred and sixty acres shall be sold to one person, Providing that in grazing lands more than one hundred and sixty acres may be sold if the sale of only one hundred and sixty acres would, in the judgment of the State land Register, work an injury to the other portion of the sectoin or lessen it in value, and no lands shall be sold for less than ten dollars per acre nor for less than its appraised value, and the amount of the purchase money to be paid at the time of the sale shall be not less than thirty per cent of the whole amount. Except that in the case of timber lands the whole of said amount shall be paid.

Section 3479. Each tract of land for which no bid for its purchase has been received shall be immediately offered for lease to the highest bidder by quarter sections, or so much thereof as belongs to the State in the case of lands classified as agricultural, and by sections in the case of lands classified as grazing, and smaller tracts shall not be leased unless it is deemed impossible to lease as above described, or when a larger price will be obtained thereby, and no lands shall be leased for a longer period than five years nor for less than the minimum rental fixed by the Board, which shall not be less than five per cent per annum of the appraised value of such lands, Provided that no lands, already under lease, shall be offered for sale or lease unless such lease expired within three months from the date of the offering.

Section 3480. Within twenty-four hours after such sale the purchaser of each lot or tract shall pay to the Register of the State Land Office the amount of the first payment, and shall execute a bond conditioned for the payment of the balance of the purchase money to the State of Montana in seven equal annual payments, with interest, at the rate of seven per cent per annum. And each lessee shall, within a like

peroid, pay to the Register the first year's rental, and shall deliver to him a good and sufficient bond, executed by said lessee and two sureties, the amount of whose taxable property shall be certified by the county clerk and recorder of the county wherein their property is situated, the condition of which bond shall be that each lessee will keep and perform all covenants and agreements contained in his lease, and the Register shall, upon such payment and the delivery of such bond, execute and deliver to such purchaser or lessee a certificate of purchase or lease, as the case may be. If any purchaser or lessee refuses or neglects to make such payments or deliver his bond as above provided, he shall forfeit the sum of one hundred dollars with costs of suit, and the Attorney General shall institute a suit for the recovery thereof in the name of the State of Montana.

Section 3481. The Register, previous to every public sale and leasing shall prepare a list descriptive of each lot, tract or parcel of land to be offered, which shall state the time, place and conditions of such sale and leasing which list shall be published once a week for at least four weeks prior to the date of sale in a newspaper of general circulation published in the county wherein the land is situated.

Section 3482. All patents and certificates of purchase shall be executed in the name of the State of Montana by the Register of the State Land Office, and shall be approved and countersigned by the President and Secretary of the State Board of Land Commissioners, and shall be entitled to be recorded without acknowledgment.

Section 3483. Whenever a purchaser or his assigns shall have paid the whole of the money payable to the State of Montana upon his certificate of purchase, it shall be the duty of the Register to cancel the bond executed by the purchaser, and to execute letters patent for the lands described to him or his assigns, and such purchaser may obtain patent at the time of making any annual payment, by paying the balance of principal in addition to the amount due at such time, and if the purchaser, desire to make settlement at any other time, such settlement will be made as if it were on the date of the next annual payment.

Section 3484. All purchasers may assign their certificate of purchase and all assignments of certificates of purchase must be in writing and shall be acknowledged in the same maner as other conveyances of real estate, and shall be filed for record in the State Land Office.

Section 3485. In case any payment of principal or interest upon any purchase shall be overdue for a period of six months, the certificate of purchase may, at the election of the Board of Land Commissioners, acting for the State, be cancelled, and all rights of the purchaser be declared forfeited, and the State shall be released from all obligation to convey the land and such purchaser shall, upon thirty days' notice by the Register, surrender said premises and the right of possession shall revert to the State of Montana. Provided, the Register of the State Land Office, may, as he deems advisable, upon a satisfactory showing, extend the time of payments on contracts heretofore issued and those to be issued under this Act.

Section 3487. It shall be the duty of the Register of the State Land Office on the first Monday in March in each year to prepare and transmit to the assessors of each county a certified list of the lands that may have been sold by the State, giving a description thereof, by legal subdivisions or lots and blocks together with the name of the purchaser and amount of principal paid to said date. Provided, the purchaser shall not be assessed upon his contract for an amount greater than that paid by him, and provided further, that in case the taxes become delinquent, the interest only of said purchaser shall be sold therefor at the delinquent tax sales.

Section 3488. All leases shall be in duplicate, both to be signed by the lessee and by the Register of the State Land Office on behalf of the State, with the seal of the Register attached thereto; the original lease to be delivered to the lessee and the duplicate to be kept in the State Land Office. All rentals shall be paid annually in advance to the Register, who shall issue receipts in duplicate for all payments received by him from any source, forwarding the original to the person making the payment and retaining the duplicate in his office. All receipts so issued shall be numbered consecutively.

Section 3489. The Register shall keep a full and complete record of all leases and certificates of purchase issued by him and payments made thereon and shall on the first of every month notify all persons who may become delinquent, and in case any lessee becomes delinquent more than sixty days after notice, the Register shall forthwith, unless an extension of time has been granted by him, declare a forfeiture of the lease, and may eject the lessee from the land, but such forfeiture and ejectment

shall in no way release the bond heretofore provided for, but the sureties thereon, upon the forfeiture of such lease shall have the right upon the payment by them, without suit, of their obligation, to have the lease transferred to them for their own use and benefit, upon the records of the State Land Office, in place of the lessee.

Section 3490. Whenever any State lands have been exposed for sale and lease at auction, any lots or tracts remaining unsold or unleased, the Register may sell or lease them to any person thereafter making application therefor, subject to the same terms and conditions as though the applicant were the successful bidder at a public sale and leasing. Provided, That all sales under the provisions of this section, to be valid shall require the approval of the Board.

Section 3491. The lessee of State Lands who has fully complied with the terms of his lease, shall have a preference right to re-lease any of such lands at the expiration of his lease, in the following manner: He shall make a written application under oath, certifying as to the character and value of the improvements placed thereon, and the amount bid for the re-lease of the same, which bid shall be accepted, if deemed sufficient and for the best interest of the State, by the Register, who shall, upon the receipt of the first year's rental, issue a new lease to such bidder as in other cases. Provided, that if there are other offers made for the re-lease of the land, the old lessee shall have the right to lease the land at the highest bid offered. Provided, further, that in case the land is offered for sale or lease at public auction, the old lessee need not make a higher bid than others, but shall if bidding an equal amount be given the preference.

Section 3493. At any time during the existence of a lease the lessee may, with the consent of the Board first obtained, by written application showing the cost and benefits to be derived thereby, purchase or acquire a water right in order to irrigate the land leased by him, and if such water right shall become a valuable and permanent improvement, then, in case of the sale or lease of such lands to other parties, the old lessee shall be entitled to receive the value thereof as in case of other improvements which he may place upon said land.

Section 3494. Whenever any lessee of state lands having improvements thereon fails to renew his lease and the land is purchased or leased by others, he shall be entitled to receive from the purchaser or the new lessee the appraised value of the improvements placed by him

thereon, which improvements shall include only the buildings, fencing, a well and water or irrigation ditches, except in case the lessee has, by consent of the Board, entered upon its minutes, cleared the land, in which case the stipulated cost of the clearing may be added, and the Register shall not issue certificate of purchase, or new lease, as the case may be, until the old lessee has been paid the appraised value thereof, or has elected to remove them; Provided, however, that the original lessee may elect to accept the appraised value of the improvements or remove them, within ninety days from the expiration of his lease.

Section 3495. All lessees having improvements on State lands and who do not wish to re-lease the same, have the privilege of, disposing of, or removing such improvements as are capable of removal without damage to the land, at any time within ninety days from the expiration of their lease, after which period all that remain shall become the property of the State, unless such period be extended by the Register for good cause shown.

Section 3496. It is hereby made a part of the official duties of the County Attorneys of the several counties, at the direction of the Board, to prosecute all actions in their respective counties, upon the bonds given by lessees or purchasers under the provisions of this Act, or for the recovery of the possession of any State lands, or for their use and occupation.

Section 3497. Any person who shall fence or occupy any State lands without legal right, after the same shall have been appraised and offered for sale or lease, is liable for, and shall pay to the State of Montana, for the benefit of the fund to which that land belongs, treble the amount of the rental fixed by the Board of Land Commissioners for said land, and suit shall be brought in the name of the State of Montana for recovery thereof.

Section 3498. All moneys belonging to the Permanent School and Permanent University Funds must be invested:

- 1st. In bonds of the State of Montana or of the United States.
- 2nd. In interest bearing warrants upon the general fund of the State.
- 3rd. In such bonds of the several counties and cities of the State as the Board deems most safe and secure.
- 4th. In bonds of school districts within the State of Montana, pro-

vided, that before any such moneys are so invested, the Board must be satisfied that the bonds, so to be negotiated, are the only bonds issued by the school district, and that the outstanding indebtedness of such district, does not exceed, three per cent upon valuation of the property within it.

5th. Bonds of the several institutions of the State of Montana issued under the authority of the State, and secured by their respective land grants.

Section 3506. The State Board of Land Commissioners are hereby empowered to accept, in the name of the State of Montana, by deed of sale or a gift, or by the operation of law, any lands of whatsoever nature, and said lands shall be appraised, managed, leased or sold in the same manner, as is prescribed herein for granted lands, and the proceeds of the lease or sale of all such lands shall be turned into the general school fund in the manner prescribed by law, or shall be applied to such specific purpose as may be designated by any grantor or testator.

Section 3507. Right of way may be granted by the Board of Land Commissoiners over public lands to any county or city desiring to construct a public road across the same, Provided, that a duly attested and sworn copy of the official plat, made by the official county or city surveyor or engineer, shall first be filed with the Board, together with a petition from the county or city officials setting forth the reasons for the same, and the aforesaid plat, when approved by said Board shall be and form the official plat of said road, and the said plat shall show the amount of land taken up by the proposed road, and shall show the remainder of land in each portion of each legal subdivision bisected by said proposed road, and said plat shall be retained in the State Land Office.

Section 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 1st 1899.

SENATE BILL NO. 95.

An Act to amend Section 311 and to repeal Section 312, of Article XII, Title I, Part III, of the Political Code of the State of Montana, relating to the printing of reports of State Officers and Boards.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 311 of the Political Code of the State of Montana, be, and the same is hereby amended to read as follows:

Section 311. No report of State officers or boards shall hereafter be printed or published oftener than once in two years which shall be in the month of December prior to the convening of the regular session of the Legislature, except by the order of the State Board of Examiners, and the number of copies of each report to be printed shall be determined by the State Board of Examiners.

Section 2. That Section 312 of the Political Code of the State of Montana, be and the same is hereby repealed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7th 1899

SENATE SUBSTITUTE FOR HOUSE BILL NO. 34.

An Act to Amend Section 4646, Chapter IV, Title II, Part IV, Of The Political Code of The State of Montana, Relating To Juror's Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4646, Chapter IV, Title II, Part IV, of the Political Code of the State of Montana, be and the same is hereby amended so as to read as follows:

Section 4646. Except as hereinafter provided, a juror must be paid for each day's attendance for the term or session for which he was summoned, until excused. He must not receive any compensation for Sundays or legal holidays, and a juror who resides within ten (10) miles from the county seat must not receive any compensation for any day when the court is not actually in session, or if in session, is engaged in the trial of a case in which the juror is not empaneled or is engaged in other business, and the juror has been temporarily excused from attendance on court;

Provided, however, that in counties of the first class a juror must be paid for each day's attendance for the entire term, session or period for which he was summoned, or until excused, except that he must not receive compensation for Sundays or legal holidays.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 3rd 1899

SENATE BILL NO. 78.

An Act To Protect The Owners Of Horses And To Cause The Inspection Of The Same:—

Be it enacted by the Legislative Assembly of the State of Montana:

Section. 1. From and after the passage of this Act it shall be the duty of any and all persons removing or taking from this state in any manner whatsoever, any horse, mule, mare, colt, foal or filly, to cause the same to be inspected by a stock inspector or the sheriff of the county from which such stock is to be removed as hereinafter provided.

Section 2. On receiving notice from any person that he desires to remove or take from this state to be sold or used outside of this State any of the class of animals named in section 1, it shall be the duty of any stock inspector or the sheriff of the County from which such animals are to be taken immediately to inspect the same, by carefully noting the brands upon such animals and otherwise describing such of said animals as may have no brands, and to keep a record of all such inspections in a book, to be provided for that purpose by the County Commissioners of each county. Such description shall contain:

1. The brands of all animals branded, and a description of animals not branded.
2. The number of animals inspected for removal.
3. The name of the owner or person removing the same.
4. The date of such inspection, with destination to which such animals are to be taken.

If in the opinion of the officer making the inspection, the person

proposing to remove such stock is rightfully in possession of the same he shall grant such persons a certificate of inspection containing the matters herein provided, with the further statement that permission is granted to such person to remove such animals from this State.

If, however, the officers make such inspection shall be of opinion that such stock or any portion thereof is stolen, or otherwise wrongfully in the possession of the persons proposing to remove the same, he shall withhold such certificate, and permit to remove until satisfactory assurance is given him of the rightful possession of such property by the person proposing to remove the same. Such certificate of inspection shall be by the holder thereof exhibited to any person demanding to see the same.

Section 3. Any person removing, or attempting to remove, any property of the kind named in Section 1 of this act, without first securing the inspection, and any person refusing to exhibit his certificate of inspection, or any person in any other way violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction in any court, of competent jurisdiction, shall be fined in any sum, not less than fifty dollars nor more than three hundred dollars, and in default of payment of such fine, and costs of prosecution, shall be imprisoned in the county jail until such fine and costs are discharged, at the rate now provided by law for payment of fine and costs of imprisonment, and such fine shall be paid into the county treasury to the credit of the general fund of the county where said conviction is had.

Section 4. For the service of inspection herein provided for, the officer making such inspection shall receive his necessary expenses to be paid by the person for whom the inspection is made.

Section 5. This Act shall take effect and be in force from and after its passage.

Approved March 6th 1899

SENATE BILL NO. 45.

An Act to Amend Section 2990, Article IV, Chapter V of Title VII, Part III, of the Political Code, relating to the Tax Levy For Stock Inspection Purposes.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That Section 2990 of Article IV, Chapter V, of Title VII, Part III, of the Political Code Be Amended to read as follows:

Section 2990. The Board of County Commissioners of each county, must, at the time of making the annual assessment, levy a special tax of one and one-half mills on the dollar upon the assessed valuation of all cattle, horses, mules and asses in their respective counties, which must be collected as other taxes upon like property, and when so collected must be paid to the State Treasurer, who must keep the same as a separate fund to be known as the "Stock Inspector and Detective Fund" which fund must be used in defraying expenses incurred, under the provisions of this chapter. The expenses in any one year must in no case exceed the special tax levy for that year.

Section 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 3. This Act shall be effective from and after its passage.

Approved Mch 6th 1899

HOUSE BILL NO. 49.

An Act to Amend Sections 3866, of Article II, Chapter VIII, Title X, Part III, of the Political Code of Montana, relating to the collection of property taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3860, of Article II, Chapter VIII, Title X, Part III, of the Political Code, be, and the same is hereby amended so as to read as follows:

Section 3860. Within ten days after the receipt of the "Duplicate Assessment Book," the County Treasurer must publish a notice specifying:

I That taxes will be delinquent on the 30th day of November

next thereafter, at 6 o'clock P. M., and that unless paid prior thereto ten per cent will be added to the amount thereof.

II The time and place at which payment of taxes may be made.

Section II. That Section 3866 of Article II, Chapter VIII, Title X, Part III, of the Political Code be, and the same is hereby amended so as to read as follows:

Section 3866. On the thirtieth day of November, of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter the County Treasurer must collect for the use of the county an addition of ten per cent.

Section III. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section IV This Act shall take effect and be in force from and after its passage and approval.

Approved March 7th 1899.

HOUSE BILL NO. 46.

An Act Entitled An Act To Amend An Act Entitled "An Act To Amend Section 442, Of Article VII, Chapter III, Title I, Part III, Of The Political Code of Montana, Relating To The State Treasury." Approved March 1st 1897

Be it enacted by the Legislative Assembly of the State of Montana:

Section I. That Section I of an Act entitled "An Act to amend Section 442, of Article VII, Chapter III, Title I, Part III, of the Political Code of Montana, relating to the State Treasury," approved March 1st, 1897, be and the same is hereby amended to read as follows,

Sec. 1. That Section 442, of Article VII, Chapter III, Title I, Part III, of the Political Code be and the same is hereby amended to read as follows:

Sec. 442. It is the duty of the State Treasurer on the presentation of State warrants, regularly issued, to pay the same out of any funds available for such payments, and in the event that there are no funds available for such payment, he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number

and amount thereof, and he shall endorse on each warrant so registered, on its face, "Presented for payment, and not paid for want of funds, and registered in this office this.....day of,," inserting the date of registration; and he shall affix his signature as such treasurer thereto; and all warrants so registered and endorsed shall bear interest at the rate of four (4) per cent per annum until called for payment, after which date interest shall cease; and all warrants shall be redeemed and paid in the order of their registration and in the manner set forth in Section 444 of the Chapter hereinbefore mentioned.

Section 2. That Section 2 of said Act shall be amended so as to read as follows:

Section 2. Nothing herein contained shall be construed to apply to any warrants issued on account of any Land Grant Fund, or by virtue of any special Act authorizing the issuance thereof.

Approved March 7th 1899.

HOUSE BILL NO. 47.

An Act to Amend Section 4250, Article 3, Chapter 2, Title 2 Part 4, and Also Section 4353, Article 2, Chapter 3, Title 2, Part 4, of the Political Code of the State of Montana, relating to interest on County warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4250, Article 3, Chapter 2, Title 2, Part 4, of the Political Code of Montana be amended to read as follows:

Section 4250. All county warrants after having been presented to the County Treasurer and by him endorsed, "Not paid for want of funds in the Treasury," from and after the date of presentation and endorsement, draw interest at the rate of six (6) per cent per annum.

Section 2. That Section 4353, Article 2, Chapter 3, Title 2, Part 4, of the Political Code shall be amended to read as follows:—

Section 4353. When any warrant is presented to the Treasurer for payment, and the same is not paid for want of funds, the Treasurer must endorse thereon, "Not paid for want of funds." annexing the date of presentation, and sign his name thereto; and from that time until paid the warrant bears six (6) per cent per annum interest.

Approved Feby 20th 1899

SUBSTITUTE FOR HOUSE BILL NO. 33.

An Act to amend Sections 3070, 3071, 3072, 3076 and 3079 of Article VIII, Chapter V, Title VII, of Part III, of the Political Code, relating to the payment of bounty on wild animals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sec. 3070 of Article VIII., Chapter V., Title VII Part III., of the Political Code be amended so as to read as follows:

Section 3070. There shall be paid out of the fund in this Act hereafter created for the killing of the following named animals hereafter killed in the State of Montana, the following bounties; For each grown wolf five dollars, for each coyote two dollars, and for each wolf pup two dollars, wolf pups to be killed before November first of each year.

Section 2. That Sec. 3071 of Article VIII., Chapter V., Title VII., Part III., of the Political Code be amended so as to read as follows:—

Section 3071. Any person killing any of the aforesaid animals to obtain the bounty thereon, shall, within ninety days of the date of the killing, exhibit or cause to be exhibited, the skin or skins of said animal or animals, including the tail and the skin from the entire head, including the entire ears thereof, and including the upper part of the jaw of the animal attached to the skin, to the county clerk of the county in which such animal or animals were killed, and shall at the same time file with said clerk, an affidavit setting forth that he killed, or caused to be killed, the animal or animals from which the skin or skins were taken; that the same were killed within the bounds of the county to whose clerk the same was presented; and the county clerk shall, before issuing the certificate hereafter provided for, require affidavit of two resident freeholders of the county, that they are acquainted with the person presenting the skin or skins, and that to the best of their knowledge and belief, the animal or animals from which the skin or skins were taken, were killed within the limits of said county.

Section 3. That Sec. 3072 of Article VIII., Chapter V., Title VII., Part III., of the Political Code be amended so as to read as follows:—

Section 3072. The County Clerk shall thereupon call to his assistance, either the county treasurer, or in his absence, the clerk of the

district court, who being present, both shall, in order to prevent fraud, minutely examine each skin presented and should such examination disclose that the scalp and ears, with the skin from the entire head of such animal or animals, and the upper jaw attached thereto, has not been severed, punched, patched, or in any manner marked, the county clerk shall there, in the presence of the other official named above, mark each skin by severing just behind the ears, the entire skin of the head and face, including upper jaw attached thereto, embracing both ears, and then re-deliver the skin or skins to the person presenting the same, and shall, at the same time, make out and deliver to said person a certificate showing the number and kind of skins so marked by such severing, and the name of the person presenting, the fact of the filing of the affidavit herein provided for, and the examination made as required, and said certificate shall be duly signed by him in his official capacity and attested by the officer officiating with him; Provided, that when any doubt shall exist as to the kind of skin or skins presented, whether wolf or coyote, certificate shall be issued for the lesser bounty; and said county clerk shall keep a record in a bound book, of all skins so marked and severed, showing the date, number and kinds, the names of the persons presenting the same and the name of the witnesses, which book shall be of official record; and the county clerk shall also retain the pieces of the skin or skins, severed by him, preserving, tagging and sealing the same on a wire kept for that purpose, to be preserved by him for public inspection, for a period of thirty days after such marking or severing, or until the same shall have been examined and inspected as hereinafter provided for; said pieces of skin or skins and the tag thereon to check and correspond with the description of same entered in said bound book as an official record; and at the expiration of said thirty days, the county clerk shall, in the presence of the other officer acting with him in the examination of the skin or skins, and of the chairman or chairman pro tem of the Board of County Commissioners hereinafter mentioned, destroy with fire such pieces of skin so severed by him and sealed on such wire for public inspection. And it shall be the duty of the chairman or chairman pro tem of the Board of County Commissioners to inspect, at least once in thirty days, the scalps or pieces of skins so retained by the county clerk and preserved and sealed on a wire as hereinabove described, and shall see that such scalps or pieces of skin check with the record of same kept by the county clerk, and that such scalps or

pieces are destroyed in his presence; and in case any errors, fraud or irregularities of any sort are discovered in said record or in the pieces of skin or scalps so retained by the said clerk, the chairman, or chairman pro tem of the Board of County Commissioners, shall at once make report of same to the county attorney of the county in which such inspection is held. All services rendered by officials under this Act shall be without fee and charge.

Section 4. That Sec. 3076 of Article VIII., Chapter V., Title VII., Part III., of the Political Code be amended so as to read as follows:—

Sec. 3076. It shall be the duty of the Board of County Commissioners of each county in this State, at the time of the levy of the annual tax, to levy a special tax of five mills on the dollar upon the assessed valuation of all cattle, horses, mules, asses and sheep in their respective counties, which tax shall be collected as other taxes upon like property, and when so collected shall be paid into the State Bounty Fund aforesaid, which said fund shall be preserved inviolate for the payment of bounties hereinabove provided for. And any county commissioner who shall refuse or interfere to prevent the levy of the tax aforesaid shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

Section 5. That Sec. 3079 of Article VIII., Chapter V., Title VII., Part III., of the Political Code be amended so as to read as follows:—

Section 3079. Any person or persons who shall patch up any skin or scalp, or who shall present any punched or patched skin or scalp, or who shall bring in any skin or skins from other States or Territory, with intent to obtain the bounty on same fraudulently, or any officer who shall sign any certificate herein provided for without first counting the skins and examining same to determine the kind of skins, and to see that the skin from the scalp or head is properly severed and preserved as hereinbefore provided, or shall evade any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, and that two-thirds of the fine, if the same is collected, or can be collected, be given to the informer, and the balance be covered into the State Bounty Fund.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall take effect and be in full force sixty days from and after its passage and approval.

Approved Feb'y 27th 1899.

SENATE BILL NO. 41.

An Act to Amend Sections 3161 and 3162, of Chapter IX, Title VII of Part III of the Political code, relating to the recording of trade marks.

Be it enacted by the Legislative Assembly of the State of Montana:

Sectoin 1. That Sections 3161 and 3162, Chapter IX, Title VII, Part III, of the Political Code, be amended to read as follows:

Sectoin 3161 Any person may record any trade mark or name, by filing with the Secretary of State his claim to the same, and a copy or description of such trade mark or name, with his affidavit attached thereto, certified to by any officer authorized to take acknowledgements of conveyances, setting forth that he, or the firm or corporation of which he is a member, is the exclusive owner, or agent of the owner of such trade mark or name.

Section 3162. The Secretary of State must keep for public examination a record of all trade marks or names filed in his office, with the date when filed and the name of the claimant, and must not record any two like trade marks or names. He must at the time of filing and recording a trade mark or name, collect from the claimant a fee of three dollars.

Section 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Section 3. This Act shall take effect from and after its passage.

Approved Feb 25 1899

HOUSE BILL NO. 37.

An Act entitled an Act to repeal an Act entitled "An Act to Prevent the sale of Liquors on Credit:" Approved March 1, 1897.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Act of the Legislative Assembly of the State of Montana, entitled "An Act to prevent the sale of liquors on credit," consisting of four sections, numbered 1, 2, 3, and 4, and approved March 1st, 1897, be, and the same is hereby repealed.

Approved Feb. 16th 1899.

HOUSE BILL NO. 121.

An Act to enable the State of Montana to purchase 300 Maps for State and School purposes.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. Messers. Hibbard and Van Hook of Helena, Montana be and they are hereby authorized to compile and draft, and cause to be lithographed, at their own expense, a map of the State of Montana, which shall represent all government surveys, so far as they are extended and have been or shall be officially returned to the surveyor general's office of this State on or before April first, 1899, the location of all reservations, railroads, county boundaries, cities, towns, and places of public interest; said map shall further show all changes of county lines that may be made by the Sixth Legislative Assembly, also the rivers, creeks, streams, mountains, mountain ranges and valleys of the State.

Section 2. Said map when completed and approved as hereinafter provided shall be known as the Hibbard and Van Hook official map of Montana, and be published at their own expense.

Section 3. Said map when completed shall be submitted to the Governor, President of the Senate, Speaker of the House, Superintendent of Public Instruction, and the United States Surveyor General for Montana, and if approved by the majority of them, they shall endorse thereon a certificate of the fact of such approval, which may be published with such maps.

Section 4. Said maps shall not be less than fifty inches long by

thirty three inches wide in size, and shall be of a scale of not less than twelve miles to the inch, and shall be printed or lithographed upon a good quality of paper commonly used for such purposes.

Section 5. Upon the publication and approval of said map, on or before the first day of July 1899, the Auditor of the State shall purchase from said Hibbard and Van Hook three hundred copies thereof mounted on cloth, and with rollers, at the price of two dollars per copy, for the use of the State to be distributed as hereinafter provided, and shall draw a warrant on the State Treasurer, on the delivery of said maps to his office, in payment of the same.

Section 6. Said maps shall be distributed by the State Auditor as follows:

One each to the Governor, Secretary of State, Attorney General, State Treasurer, Superintendent Public Instruction and to every State officer whether elective or appointive. Three copies shall be distributed to the State Historical Society, four copies to each State school in Montana, and two copies to the Montana Law Library. One copy shall be delivered to the County Clerk of each county for the use of the County Commissioners of the county, and the remainder of said maps shall be delivered by the Auditor to the County Superintendents of Schools for the use of the common schools of the State in a fair and equitable manner having regard to the number of schools in each county.

Section 7. The State shall in no way or manner become liable for the expense of making or publishing said maps.

Section 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 2nd 1899

HOUSE BILL NO. 70.

An Act Authorizing and Regulating the Incorporation of Sole Corporations and Denfining their Powers.

Be it enacted by the Legislative Assembly of the State of Montana :

Section I. Whenever the rules, regulating or discipline, of any religious denomination, society, or church, permit or require the estate, property, temporalities, and business thereof, to be held in the name

of, or managed by a bishop, chief priest, or presiding elder, it shall be lawful for such bishop, chief priest or presiding elder, of such religious denomination, society, or church, to become a sole corporation in the manner herein prescribed.

Section II. Such bishop, chief priest, or presiding elder, shall file in the office of the Secretary of State articles of incorporation, which articles shall set forth the name of such religious denomination, society or church, and the name of such sole corporations, and designate the territory over which he presides, or over which his jurisdiction extends, and the facts authorizing such incorporation, and declare the manner in which any vacancy occurring in the incumbency of such bishop, chief priest or presiding elder, as required by the rules, regulations, or discipline, of such religious denomination, society or church, shall be filled, which statement shall be verified by affidavit; and he shall also file proof of his appointment or election as such bishop, chief priest, or presiding elder, and for proof of the appointment or election of such bishop, chief priest or presiding elder, or of any succeeding incumbent of such corporation, it shall be sufficient to record in the office of the Secretary of State the original, or a copy of his commission, or certificate, or letters of election or appointment duly attested.

Section III Upon filing the articles of incorporation in the office of the Secretary of State, with the proof of the appointment, or election, of such bishop, chief priest, or presiding elder, the Secretary must issue to the corporation, over the great seal of the State, a certificate that the articles of incorporation, containing the required statement of facts, and the proof of the appointment or election of such bishop, chief priest, or presiding elder, has been filed in his office, and thereupon such bishop, chief priest, or presiding elder, shall become, and he and his successors in office shall be a sole corporation.

Section IV Every sole corporation, organized under the provisions of this Act, for the purpose of the trust hereinafter mentioned, shall have power to contract in the same manner, and to the same extent, as a natural person, and may sue and be sued, and may defend in all courts, in all matters and proceedings whatever, and shall have authority to borrow money, and to give promissory notes therefor, and to secure the payment thereof by mortgage, or other lien, upon property real or personal, to buy, sell, lease, and in every way deal in real or personal property, in the same manner that a natural person may, for the use, purpose, benefit and behoof of such religious denomination,

society, or church, and without the order of any court; and to receive bequests and devises for its own use, or upon trust, and to the same extent that a natural person may, and to appoint attorneys in fact and to adopt and use a corporate seal.

Provided, however, that all property held by, or in the name of such sole corporation, shall be in trust for the use, purpose, benefit and behoof of such religious denomination, society, or church for which, and in whose behalf, such sole corporation is organized.

Section V. In the event of the death or resignation from office of any such Bishop, Chief Priest, or Presiding Elder, or of his removal therefrom by the person or body having the authority to remove him, his successor in office shall be vested with the title to the property with like power and authority over the same and subject to all the legal liabilities and obligations with reference thereto. Such successor shall file in the office of the County Clerk and Recorder of each County wherein any of said property is situated a certified copy of the proof of his appointment or election, required by Section IV, to be filed with the Secretary of State, accompanied by an instrument in writing containing a description of the property situated in such County, and a declaration that the same is owned and held by him by virtue of his succession to said office, which declaration shall be signed and acknowledged by him before some officer authorized to take acknowledgements. Said certificate and statement shall constitute a muniment of title to said property and the same or a copy thereof duly certified by the Clerk and Recorder of the County wherein the same is filed shall be competent evidence thereof in any action or proceeding concerning the same.

VI. This Act shall take effect and be in force from and after its and approval.

Approved Feb 27th 1899.

SUBSTITUTE FOR SENATE BILL NO. 98.

An Act Granting to the Montana State Fair Association, A Corporation, A franchise for holding and conducting the annual State Fair of the State of Montana for A period of ten years at or near the city of Butte in Silver Bow County, State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1, That there is hereby granted to the Montana State Fair Association, a corporation created and existing under the laws of the State of Montana, the right to hold and conduct the Annual State Fair in and for the State of Montana, for a period of ten years.

Said State Fair to be held annually at or near the City of Butte, in Silver Bow County, State of Montana; Provided, that if said association shall fail to hold said fair two years in succession, the franchise hereby granted shall be forfeited.

Full power and authority is hereby granted to said Montana State Fair Association, to hold, conduct and manage said State Fair.

Approved March 6.th 1899

SENATE BILL NO. 50.

An Act to Amend Section 448 of the Civil Code of the State of Montana relating to the Meeting of Stockholders and board of directors of corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 448 of the Civil Code of the State of Montana be, and the same is hereby, amended so as to read as follows:

Section 448. The meetings of the stockholders of a corporation must be held at its office or principal place of business in the State of Montana. The meetings of the Board of Directors or Trustees of all corporations heretofore or hereafter organized under any of the laws of the State of Montana may be held either within or without the State of Montana at such place or places as may be designated by the by-laws of such corporations. In case the meetings of the Board of Directors or Trustees of a corporation shall be held outside of the State of Montana, either the original or full and complete copies or

duplicate of all proceedings had at such meeting or meetings certified by the President and Secretary under seal shall be sent to and kept at the principal office or place of business of the corporation in Montana, and shall be part of the records of the corporation in Montana.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be enforced from and after its passage.

Approved February 24th 1899

SUBSTITUTE FOR SENATE BILL NO. 87.

An Act relating to the dissolution, increase and decrease of capital stock of, and providing penalties for the breach of the banking laws by bank associations, trust deposit and security corporations and savings banks, organized under the laws of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any banking association, trust deposit and security corporation, or savings bank, organized under the laws of Montana may be dissolved by the District Court of the county where its office or principal place of business is situated upon its voluntary application for that purpose.

The application must be in writing and must set forth that at a meeting of the stockholders and members called for that purpose, the dissolution of the association was resolved upon by a two-thirds vote of all the stock, and that all claims and demands against the association have been satisfied and discharged.

The application must be signed by a majority of the Board of Directors or other officers having the management of the affairs of the association, and must be verified in the same manner as a complaint in a civil action.

A verified copy of the application shall be filed with the State Examiner or such other state officer as is by law authorized to examine such associations within ten days after the filing of such application with the District Court.

If the court is satisfied that the application is in conformity with this chapter it must order the application to be filed and the clerk

to give not less than thirty nor more than fifty day's notice of the application by publication in some newspaper published in the county. At any time before the expiration of the time of publication any person may file his objections to the application.

Before the final hearing and determination of the application the State Examiner shall make a thorough examination of the affairs of such association and file a certified statement of such examination with the clerk of the court of the county where such application is made, which statement shall be a part of the papers in the case. After the time of publication has expired the court may, upon five days' notice to the persons who have filed objections, or without further notice if no objections have been filed, proceed to hear and determine the application, and if all the statements made therein are shown to be true, the court must declare the association dissolved. No stockholder or officer of such association shall be allowed to withdraw from such association or surrender or dispose of his shares of stock after the filing or making of such application for dissolution and prior to the final determination of the case. Upon the dissolution of such association by the District Court, the clerk of said court shall forthwith notify the Secretary of State of such dissolution, by sending a copy of the order of the court and said order and notice shall be filed by the Secretary of State with the original certificate of organization.

The application notices and proof of publication, objections, if any, and declaration of dissolution, constitute the judgment roll, and from the judgment, an appeal may be taken in the same manner as in other actions.

Section 2. Whenever the State Examiner, after a full and careful examination of the affairs of any banking corporation, trust deposit and security company or savings bank, organized under the laws of Montana, shall find evidences of impairment or insolvency, he shall immediately prepare and submit a statement of its condition to the Governor and Attorney General and if the Governor and Attorney General are satisfied from such statement that such impairment or insolvency exists, the Attorney General shall thereupon give notice in writing to each officer and stockholder of said banking corporation, trust deposit and security company, or savings bank, together with a demand that said officers and stockholders shall make good such im-

pairment or insolvency within three months from and after the date of said notice, and upon the failure of said officers and stockholders to make good such impairment or insolvency within the time stated, the Attorney General may thereupon make application in the name of the State to the Judge of the District Court of the District wherein such corporation is doing business for the appointment of a Receiver to wind up the affairs of such corporation and pending such application or the hearing thereof, the Governor may at once direct the State Examiner to take charge of the business of such corporation until the Receiver has been appointed by the Court therefor.

Section 3. Any banking association, trust deposit and security corporation or savings bank, organized under the laws of this state, may increase its capital stock, but no increase shall be valid until the whole amount of such increase is paid in in cash, and such payment certified under oath by the president or cashier, to the State Auditor, who shall give his certificate specifying the amount of such increase, with his approval thereof, and that it has been duly paid in as a part of the capital of such corporation.

Section 4. Any banking association, trust deposit and security company or savings bank, may reduce its capital stock to any sum not below the amount required by law to authorize its formation, by a vote of its stockholders owning two-thirds of its stock, but no reduction shall be made until the amount of the proposed reduction is reported to the State Examiner and his approval thereof obtained in writing, and until notice of such reduction shall be given by publication for at least sixty days in some newspaper of general circulation, printed and published in the county wherein such corporation is doing business, and provided further that no reduction shall be construed as affecting the liability of shareholders for any debts of the association incurred prior to such reduction.

Section 5. Whenever any banking corporation, trust deposit and security company or savings banks, organized under the laws of this State, shall be insolvent or impaired condition in the manner as described and set forth in section 2, of this Act, such banking corporation, trust deposit and security company or savings bank shall not accept or receive on deposit any money, bank bills or notes, United State Treasury notes or currency, or other notes, bills or drafts, circulating as money or currency, or transact any other business in connec-

tion with its operations, except as trustee for the depositors and parties transacting business with them, and it or they shall keep all such deposits of money, bills or notes, or United States Treasury notes or currency, or other notes bills or drafts, circulating as money or currency, separate and apart from the general assets of the bank. from and after the date such notice is given to its officers and stockholders, as set forth in section 2. of this Act, and which trust deposits shall be kept separate and apart from the general assets of the bank untill such impairment or insolvency has been made good. when such deposits received in "trust" may be transferred to the general assets of the bank on and by written consent of the State Examiner; and further provided that, in the event of such impairment or insolvency be not made good or removed within the peroid stated by the notice required as set forth in Section 2. of this Act, then any and all such "trust" deposits" shall be returned to the depositors making them; and further provided, that any officer, director. cashier manager member party or managing party thereof who shall knowingly accept or receive be accessory to or permit or connive at the receiving or accepting of such trust deposits, except in the manner hereinbefore set forth in this Section, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment in the State Penitentiary not exceeding five years, or by both fine and imprisonment as aforesaid.

Section 6. Any officer, agent or clerk of any banking corporation, trust deposit and security corporation or savings bank, organized under the laws of this State, who wilfully and knowingly receives money. bank bills notes of the United States or currency, or other notes, bills or drafts circulating as money or currency, except in the manner hereinbefore set forth in Section 5 "of this Act. or who subscribes or makes any false statement or entries in the books of such association or corporation, or knowingly subscribes or exhibits any false paper with the intent to deceive any person authorized to examine as to the condition of such association or corporation, or wilfully subscribes or makes false reports, shall be subject to imprisonment at hard labor in the penitentiary for a term not exceeding five years.

Approved March 6th 1899

HOUSE BILL NO. 132.

An Act to enlarge the powers of mining corporations to dispose of, sell, lease, mortgage, exchange, or otherwise convey, all or any part of the property of such corporations, and to authorize and empower such corporations to dispose of, sell, lease, mortgage, or otherwise convey, the whole or any part of the property of such corporations, and to protect stockholders dissenting from such action of such corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the board of directors or trustees of any mining corporation organized under the laws of either the Territory or State of Montana, whether before or after the passage of this Act, and whether the same is solvent or insolvent, or is a going or prosperous concern or otherwise, shall have power, and upon request of stockholders of the corporation representing at least one-half the amount of the outstanding capital stock, and of record on the books of the company, it shall be their duty to call, by resolution, which resolution shall state whether the whole or only a part of the property of the corporation, and if the latter, shall designate in general terms what part is to be sold, leased, mortgaged, exchanged, or disposed of, for property or for stock of another corporation, domestic or foreign, or otherwise, a meeting of the stockholders of such corporation, appearing as such upon the books of the corporation, for the purpose of considering the question of selling, leasing, mortgaging, or exchanging, or disposing of for other property, or for the whole or part of the capital stock of any other corporation, whether domestic or foreign, or for otherwise disposing of the whole or any part of the mining ground, quartz mills, smelters, concentrators, reduction works and other property and assets, of every kind and description, of such mining corporation. Such meeting shall be held at the principal office or place of business of such corporation, and at least thirty days previous notice of the time and place of such meeting shall be given to each person who appears as a stockholder upon the books of the corporation. The secretary of the corporation shall make out and deposit in the United States Post Office, postage paid, a notice of such meeting, directed to each stockholder of record of the corporation by his name and to his place of residence appearing on said records, and shall make and file his affidavit of such deposit. Such notice shall be considered as

given upon the deposit of the same in the Post Office, as above required, and shall state the time and place of meeting, and that it is to consider and decide upon the question of disposing of, selling, leasing, mortgaging, exchanging for property or for the whole or any part of the capital stock of any other corporation, or otherwise disposing of the whole or any part of the property of said corporation, as the case may be. If such meeting is called for the purpose of selling, leasing, mortgaging, exchanging, or otherwise disposing of the whole of the property of the corporation, the notice shall so state, but if it is for the purpose of selling, leasing, mortgaging, exchanging, or otherwise disposing of only a part of the property of the corporation, the notice shall so state and describe generally what part it is. A similar notice shall also be published, at least once a week for at least four successive weeks preceding the day of the stockholders' meeting, in some newspaper of general circulation published at or near the office or principal place of business of such corporation, or if there be no newspaper published in said place, then the nearest place thereto where a newspaper is published, and said publication shall be proved by affidavit of the publisher or clerk of such newspaper, filed with the secretary of such corporation. Upon the day appointed for said meeting, if stockholders representing at least two-thirds of the whole number of shares of the capital stock of the corporation then outstanding and of record on the books of the company, appear in person or by agents or proxies filed with the secretary, the stockholders shall organize by electing one of their number chairman and some suitable person secretary. Thereupon, any proposition for the sale or lease, or mortgage, or exchange, or disposition for other property, or for the whole or part of the capital stock of any other corporation, whether domestic or foreign, or to otherwise dispose of the whole or any part of the mining ground, quartz mills, smelters, concentrators, reduction works, or other property or assets of the corporation, of every kind or description, may be considered and acted upon by said meeting, and if stockholders representing at least two-thirds of the whole number of shares of the capital stock of said corporation then outstanding, and of record on the books of the company, appearing at said meeting in person or by agents or proxies as above provided, vote in favor of any such proposition, whether proposed by the directors or trustees or not, as the stockholders may see fit, which proposition shall be in the form of a resolution specifying the particulars thereof and entered on the

minutes of said stockholders' meeting, the said proposition or resolution shall be taken and adopted as the act of the corporation and shall be carried out as such and shall be approved and adopted by the board of directors or trustees. The secretary of such meeting shall enter upon the minutes of said stockholders' meeting the number of shares voted for or against the proposition or resolution, and by whom voted, and stockholders voting against said proposition or resolution shall be taken as dissenting therefrom. Upon the adoption of any proposition or resolution such as above referred to, by the stockholders' meeting, the secretary of the meeting shall make out a true and complete copy of the minutes of the stockholders' meeting, which shall be signed by the chairman of such meeting and attested by said secretary and verified by them and acknowledged as required in the case of the conveyance of real estate, and shall file the same for record in the office of the county clerk and recorder of the county wherein the principal office or place of business of such corporation is situated, and also in the offices of the county clerks and recorders of any other counties wherein any of the real property included in the proposition or resolution adopted by said stockholders' meeting is situated, and said record shall impart notice and have the same effect as other instruments required by law to be recorded, and such copies so filed and recorded, or the record thereof, or the certified copy of such record, shall be prima facie evidence of the matters and facts therein stated, and thereupon, and upon the adoption and approval by the board of directors or trustees of the corporation of such proposition or resolution, the corporation and its officers shall have full power and authority to do all acts and to execute all conveyances or other instruments in writing which are necessary or proper to carry out the said proposition or resolution, and the sale, lease, mortgage, exchange, or other disposition, or conveyance of the whole or any part of the property of said corporation authorized by said proposition or resolution, shall thereupon take effect and have the same force as if all the stockholders of the corporation had consented thereto.

Provided, That nothing contained in this Act shall be deemed to limit or restrict the powers of the board of directors or trustees of mining corporations, or of corporations other than mining, in relation to the disposition of property or the conduct of business; and

Provided, Further, that this Act shall not be so construed as to effect

any cases now pending in the Courts of this State or of the United States.

Section 2. If a disposition shall be made by sale, exchange or otherwise as above provided of the whole of the property of such corporation, the corporation shall thereby be dissolved, and its affairs shall be wound up, as provided for in other cases of the dissolution of corporations.

Section 3. Any stockholder who shall not, at said stockholders' meeting, have voted for or authorized the proposition or resolution for the disposition of property which may have been adopted at such stockholders' meeting, may, within twenty days after the date of said stockholders' meeting, give written notice to the said corporation that he does not assent thereto, and also a like notice to the grantee or vendee, or any agent or representative of such grantee or vendee, provided that such grantee or vendee, or agent or representative of such grantee or vendee be within the state, and demands payment of the value of his stock, and within ten days after service of said notices he must, or the said corporation, or its grantee, or vendee, may, make application in the district court of the county where the principal place of business of the corporation is situated to have the value of his stock fixed and appraised, of which application at least ten days previous notice must be given by the person so applying to the other parties. The notices hereinbefore provided for may be served in the manner provided by law for the services of summons in cases in the district court. Upon said application, the said district court shall appoint three competent and disinterested persons as appraisers, and designate the time and place of their first meeting to appraise the value of the stock of such dissenting stockholders, and give them such directions as the said court may think proper. The court may fill any vacancies in the board of appraisers, occurring by refusal or neglect to serve, or otherwise. Said appraisers shall meet at the time and place designated by the court, and they or any two of them shall take an oath to honestly and faithfully discharge their duties, and shall hear and take evidence in relation to the value of the stock of such dissenting stockholder at the time of his dissent and find the value thereof, and return and file their report and appraisal with the clerk of said court. The charges and expenses of such appraisal shall be paid by the corporation or its grantee or vendee.

Section 4. Either party to the appraisalment and award of such appraisers may, within thirty days from the filing of the same and service of notice thereof, appeal from such award to the district court of the county in which the same is made and filed, and thereupon the value of such stock shall be reassessed by a jury in the same manner as appeals are taken and trials had on appeals from the assessment of commissioners in condemnation proceedings provided by law. When such appraisalment or award shall become final, the court shall enter judgment in favor of such dissenting stockholder and against the corporation and its grantee or vendee for the amount of said award, with expenses and cost of proceedings, and execution may be issued on said judgment as in other cases. The judgment may also provide for the sale of the property affected by the lien hereinafter provided for. The claim of such dissenting stockholder for compensation and costs, as aforesaid, and the appraisalment and award and judgment thereon shall be and remain a lien upon all the real property of the corporation so conveyed or disposed of in pursuance of the stockholders' resolution, and shall be prior and superior to the rights of the grantee or vendee to all of such property; but the claims of all dissenting stockholders for compensation and their several appraisements, awards and judgments, shall be equal liens upon said property, without precedence or priority between themselves.

When the amount of such appraisalment and costs shall have been paid to or collected by such dissenting stockholder or deposited with the clerk of the said court for him, he shall cease to have any interest in said stock or in the corporate property of such corporation which may have been sold or disposed of in pursuance of the resolution of the stockholders meeting as herein provided, and the stock of such dissenting stockholder shall thereupon become the property of the party satisfying the said judgment or appraisalment unless otherwise provided for by contract between such corporation and its grantee.

Section 5. All Acts and parts of Acts in conflict with or inconsistent with this Act are hereby repealed.

Section 6. This Act shall take effect from and after its passage and approval.

Passed over the Governor's Veto Feby 28th 1899.

SENATE BILL NO. 85.

An Act to prohibit Fire Insurance Companies, authorized to do business in the State of Montana, from placing or causing to be placed, except through duly licensed agents residents of This State, Insurance or Re-insurance on property situated in this State, and providing penalties for violation of provisions hereof:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No fire insurance company or association not incorporated under the laws of this State, authorized to transact business herein, shall make, write, place, or cause to be made, written or placed, any policy, duplicate policy, or contract of insurance of any kind or character, or any general or floating policy, upon property situated or located in this State except after the said risk has been approved, in writing, by an agent who is a resident of this State, regularly commissioned and licensed to transact insurance business herein, who shall countersign all policies so issued and received the commission thereon when the premium is paid, to the end that the state may receive the taxes required by law to be paid on the premiums collected for insurance on all property located in this State. Nothing in this Act shall be construed to prevent any such insurance company or association, authorized to transact business in this State, from issuing policies at its principal or department offices, covering property in this State, provided that such policies are issued upon application procured and submitted to such Company by agents who are residents of this State, and licensed to transact the business of insurance herein, and who shall keep a record of and countersign all policies so issued and receive the commission thereon when paid.

No provisions of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations or property in transit while in the possession and custody of railroad corporations or other common carriers.

Section 2. No fire insurance company or association shall re-insure in any manner whatsoever, the whole or any part of a risk taken by it on property situated or located in this State in any other company or association not authorized to transact business in this State. No fire insurance company or association shall transfer or cede, in any manner whatsoever, to any company or association not authorized to do business in this State, any risk or liability or any part thereof

assumed by it, under any form of contract of insurance, covering property located in this State, including any risk or liability under any general or floating policy, or any agreement, general, floating, or specific, to reinsure excess loss by one or more fires.

No fire insurance company or association shall reinsure, or assume as a reinsuring company, or otherwise, in any manner or form whatsoever, the whole or any part of any risk or liability, covering property located in this State, of any insurance company or association not authorized to transact business in this State.

Section 3. Whenever the State Auditor shall have or receive information that any fire insurance company or association, not incorporated under the laws of this State, has violated any of the provisions of Section one of this Act, he is authorized, at the expense of such company or association, to examine, by himself or his accredited representative, at the principal office or offices of such company or association, located in the United States of America, or in any foreign country, and also at such other offices or agencies of such company or association as he may deem proper, all books, records and papers of such company or association, and may examine under oath the officers, managers and agents of such company or association as to such violation or violations. The refusal of any such company or association to submit to such examination or to exhibit its books and records for inspection shall be presumptive evidence that it has violated the provisions of the first section of this Act, and shall subject it to the penalties prescribed and imposed by this Act.

Section 4. Every fire insurance company or association shall annually and at such other times as the State Auditor may require, in addition to all returns now by law required of it or its agents or managers, make a return to the State Auditor in such form and detail as may be prescribed by him, of all reinsurance or cessions of risk or liability contracted for or effected by it, whether by issue of policy, entry or bordereau, or general participation agreement, or by excess loss, reinsurance, or in any other manner whatsoever, upon property located in this State, or covering, whether specified or otherwise, any risk or liability upon property so located, such return to be certified by the oath of its president and secretary, if a company or association of one of the United States, and if a company or association of a foreign country, by the oath of its managers in the United States as to such

reinsurance or cessions effected through its branch office in the United States, and by the oath of its president and secretary, or by officers corresponding thereto, at its home office wherever located, as to reinsurance or cessions as aforesaid contracted for or effected through the foreign office. The refusal of any such company or association to make the returns herein required shall be presumptive evidence that it is guilty of violating the provisions of the second section of this Act, and shall subject it to the penalties prescribed and imposed by this Act.

Section 5. Any insurance company or association wilfully violating or failing to observe and comply with any of the provisions of this Act, applicable thereto, shall be subject to and liable to pay a penalty of five hundred dollars for each violation thereof, and for each failure to observe and comply with any provisions of this Act,; such penalty may be collected and recovered in an action brought in the name of the State in any court having jurisdiction thereof. Any insurance company or association which shall neglect and refuse for thirty days after judgment in any such action to pay and discharge the amount of such judgment shall have its authority to transact business in this State revoked by the State Auditor and such revocation shall continue for at least one year from the date thereof, nor shall any insurance company or association whose authority to transact business in this State shall have been so revoked be again authorized or permitted to transact business herein until it shall have paid the amount of any such judgment and shall have filed in the office of the State Auditor a certificate signed by its president or other chief officer to the effect that the terms and obligations of the provisions of this Act are accepted by it as a part of the conditions of its right and authority to transact business in this State.

Section 6. The State Auditor is hereby prohibited from issuing a certificate of authority to write policies of fire insurance, or to solicit and obtain and transact fire insurance business, to any person, agent, firm or corporation, unless such person, agent, firm or corporation is a legal resident of the State of Montana, at the time such authority is issued.

And whenever any person, agent, firm or corporation so authorized to issue policies of fire insurance and solicit and transact fire insurance business shall remove from the State of Montana, the authority issued

to such person, agent, firm or corporation shall be revoked, and the same shall be null and void.

Section 7. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 6th 1899.

HOUSE BILL NO. 52.

An Act entitled an Act to Amend Section IV of an Act entitled an Act, to provide for the organization, regulation and inspection of Buildings and Loan Associations, and to repeal Sections 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, and 845 of the Civil Code of Montana, approved March 7th, 1897.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of an Act entitled an to provide for the organization, regulation and inspection of Building and Loan Associations, and to repeal Sections 770 to 790 inclusive, and Sections 800 to 845 inclusive, of the Civil Code of Montana, approved March 4th, 1897, shall be amended to read as follows:

Section 4. Such corporation shall have power to issue stock to members on such terms and conditions as the Constitution and By-Laws may provide. To assess and collect from members and depositors such dues, fines, interest and premium on loans made, or other assessments as may be provided for in the Constitution and By-Laws. Such dues, fines, premiums or other assessments shall not be deemed usury although in excess of the legal rate of interest. To permit members to withdraw all or part of their stock deposits at such time and upon such terms as the Constitution and By-Laws may provide; Provided, that no charge or fee shall be made against any member who withdraws his stock after having given thirty days' notice of such withdrawal. Provided also, that no fine of any description shall be made upon the par value of such stock, or upon the declared dividends, because of such withdrawal. Any member who withdraws his stock

or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared, less fines imposed for non-payment of dues and less a pro rata share of all losses, if any have occurred, and no other fine or assessment shall be made against such stock, provided, that any member who withdraws, within sixty days, shall be entitled to receive the full amount paid in, less ten per cent, and any sum which he may have received from the company. To cancel shares of stock upon which all payments have been withdrawn, or upon which loans have been cancelled and re-issue them as new stock. To issue stock to minors and permit the same to be withdrawn as other stock and the receipt of such minor shall be a valid acquittance if his rights have been fully secured to him. To acquire, hold, incumber and convey such real estate and personal property as may be necessary for the transactions of its business or necessary to enforce or protect its securities. To borrow money not exceeding twenty per cent of its assets and issue its evidence of indebtedness therefor. To make loans to members and depositors on such terms, conditions and securities as may be provided in the Constitution and By-Laws. To cancel such loans and release the securities on such terms as the board of directors may provide. But any may have his loan cancelled upon the following terms to-wit: After the premium for one year has been paid, and also the premium and interest up to the date of cancellation, the borrower shall pay the sum actually borrowed, less the dues paid and the dividends credited. He shall pay also any fines or other assessments required by the Constitution and By-Laws. To invest the money of the association in city, county or State warrants and bonds. To loan money to other Building and Loan Associations. To accumulate from the earnings and invest as the Board of Directors may determine a reserve fund for the payment of contingent losses. To make such annual or semi-annual distribution of the earnings (after paying expenses and setting aside a sum for the reserve fund as hereinafter provided), as the Constitution and By-Laws may prescribe. To increase or decrease its authorized capital or the face value of its shares at any time by a majority vote of its directors, and a certificate of such action shall be made by the president and secretary and duly filed with the Secretary of State. To dissolve the corporation when its continuance shall be deemed by a majority vote of its members to be no longer desirable, subject, however to the vested rights of its members. To provide by constitution adopted by its members, and by-laws

adopted by its Board of Directors, for the proper exercise of the powers herein granted and the conduct and management of its affairs. All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved Mar 3rd 1899

SENATE BILL NO. 61.

An Act authorizing and directing the Governor of the State of Montana to correct, and cause to be corrected, any and all errors, mistakes and misdescriptions, in any deeds or conveyances of any and all property conveyed to the State of Montana, for the use and benefit of any public institution belonging to the State; and also authorizing and directing the Governor to make any and all necessary conveyances in the name of the State, which may be found necessary to carry into effect the provisions hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Governor of the State of Montana is hereby authorized, empowered and directed to correct, and cause to be corrected, any and all errors, mistakes and misdescriptions, in any and all deeds, and conveyances of property to the State of Montana, for the use and benefit of the public institutions of the State. And in order to carry into effect the provisions hereof, the Governor as aforesaid, is hereby authorized, directed and empowered to make any and all necessary and proper deeds or conveyances for and on behalf of and in the name of the State of Montana, which may be by him found necessary in order to correct any errors, mistakes and misdescriptions above referred to.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb 28 1899

SENATE BILL NO. 36.

An Act to Amend Section 3996, Title XV, Chapter I, article I, of the Civil Code of the State of Montana, relating to negotiable instruments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3996, Title XV, Chapter I, Article I, of the Civil Code of the State of Montana, be amended so as to read as follows:

Section 3996. A negotiable instrument may contain a pledge of collateral security, with the authority to dispose thereof, also a provision for reasonable attorney fee or both.

Section 2. All acts and parts of Acts inconsistent herewith are hereby repealed.

Approved March 3rd 1899.

SENATE BILL NO. 91.

An Act To Provide for The Filing of Contracts, Notes And Instruments For The Sale Of Personal Property Where Title Is To Remain In The Vendor Until Purchase Price Is Paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All contracts, notes and instruments for the transfer or sale of personal property where the title is stipulated to remain in the vendor until the payment of the purchase price, or some part thereof, shall be in writing and the original or a true copy thereof certified by the County Clerk and Recorder shall be filed with the county clerk and recorder of the county wherein the property is situate, otherwise any such contract, note or instrument is void as to a purchaser or mortgagee of such property prior to such filing.

Section 2. The County Clerk and Recorder shall keep an index record of all such contracts, notes or instruments, filed in his office and shall note the payment and satisfaction thereof upon the request of the vendor, or his duly authorized agent or attorney. A fee of fifty (50) cents shall be paid for every such instrument filed.

Section 3. Upon receipt of the purchase price the vendor shall cause the clerk and recorder to enter satisfaction and discharge the

obligations of such contract, note or instrument, and a failure for thirty (30) days to cause such satisfaction to be made shall render the vendor liable for any actual damage sustained by any person by reason thereof.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3rd 1899.

SENATE SUBSTITUTE FOR HOUSE BILL NO. 20.

An Act to Amend Sections 2585 and 2588, Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana, relating to the legal rate of interest.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 2585 and 2588, Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana be amended to read and shall be numbered as follows:

Section 2585. Unless there is an express contract in writing fixing a different rate, interest is payable on all moneys at the rate of eight per cent (8%) per annum, after they become due on any instrument of writing, except a judgment, on an account stated, and on moneys lent or due on any settlement of accounts from the date on which the balance is ascertained, and on moneys received to the use of another and detained from him, In the computation of interest for a period of less than one (1) year, three hundred and sixty-five (365) days are deemed to constitute a year.

Section 2588. Interest is payable on judgments recovered in the Courts of this State, at the rate of eight per cent (8%) per annum, and no greater rate, but such interest must not be compounded in any manner or form.

Section 2. All acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its approval.

Approved Feby. 28th, 1899.

HOUSE BILL NO. 29.

An Act establishing a standard of Measurement for Water, Defining the Equivalent of a Miner's Inch, and Repealing Section 1893, Title VIII, Part IV, Division II, of the Civil Code of the State of Montana, and all conflicting laws.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Hereafter a cubic foot of water (7.48 gallons) per second of time shall be the legal standard for the measurement of water in this State.

Section 2. Where water rights expressed in miners' inches have been granted, one hundred miners' inches shall be considered equivalent to a flow of two and one-half cubic feet (18.7 gallons) per second; two hundred miners' inches shall be considered equivalent to a flow of five cubic feet (37.4 gallons) per second, and this proportion shall be observed in determining the equivalent flow represented by any number of miners' inches.

Section. 3. Provided, that the provisions of this bill shall not affect or change the measurement of water heretofore decreed by a Court, but such decreed water shall be measured according to the law in force at the time such decree was made and entered.

Section 4. Section 1893, Title VIII, Part IV, Division II, of the Civil Code of the State of Montana, and any laws in conflict with this Act are hereby repealed.

Approved March 3rd 1899

HOUSE BILL NO. 8.

An Act Providing Liens Upon Saw-Logs, Piling, Railroad Ties, Cordwood or other Timber, And Upon Lumber and Shingles, and Concerning the Remedy to Secure And Obtain such Liens, and the Benefit Thereof, And the Manner And Procedure of obtaining the same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every persons performing labor upon, or who shall assist in obtaining or securing saw logs, piling, railroad ties, cordwood or other timber, has a lien upon the same, and upon all other saw logs, piling, railroad ties, cordwood or

other timber which, at the time of the filing of the claim or lien hereinafter provided, belonging to the person or corporation for whom the labor was performed, for the work or labor done upon or in obtaining or securing the particular saw logs, piling, railroad ties, cord-wood or other timber in said claim or lien described, whether such work or labor was done at the instance of the owner of the same or his agent. The cook in a logging camp shall be regarded as a person who assists in obtaining or securing the timber herein mentioned.

Section 2. Every person performing work or labor or assisting in manufacturing saw logs and other timber into lumber and shingles, has a lien upon such lumber while the same remains at the mill where it was manufactured, or in the possession or under the control of the manufacturer, whether such work or labor was done at the instance of the owner of such logs or his agent or any contractor or sub-contractor of such owner. The term lumber, as used in this Act, shall be held and be construed to mean all logs or other timber sawed or split for use, including beams, joists, planks, boards, shingles, laths, staves, hoops, and every article of whatsoever nature or description manufactured from saw logs or other timber.

Section 3. Any person who shall permit another to go upon his timber land and cut thereon saw logs, piling, railroad ties, cordwood or other timber, has a lien upon the same for the price agreed to be paid for such privilege, or for the price such privilege would be reasonably worth in case there was no express agreement fixing the price.

Section 4. The liens provided for in this chapter are preferred liens and prior to any other liens, and no sale or transfer of any saw logs, piling, railroad ties, cordwood or other timber or manufactured lumber or shingles shall divest the lien thereon as herein provided, and as between liens provided for in this act those for work and labor shall be preferred; Provided, That as between liens for work and labor claimed by several laborers on the same logs or lot of logs the claim or claims for work or labor done or performed on the identical logs proceeded against to the extent that said logs can be identified, shall be preferred as against the general claims of lien for work and labor recognized and provided for in this Act.

Section 5. The person rendering the service or doing the work or labor named in Sections 1 and 2 of this Act is only entitled to the

liens as provided herein for services, work or labor for the period of three calendar months, or any part thereof next preceding the filing of the claim, as provided in Section 8 of this Act.

Section 6. The person granting the privilege mentioned in Section 3 of this Act is only entitled to the lien as provided therein for saw logs, piling, railroad ties, cord wood or other timber cut during the three months next preceding the filing of the claim, as herein provided in the next succeeding Section of this Act.

Section 7. Every person, within thirty days after the close of the rendition of the services or after the close of the work or labor mentioned in the preceding sections, claiming the benefit hereof, must file for record with the county clerk of the county in which such saw logs, piling, railroad ties, cord wood or other timber were cut, or in which such lumber or shingles were manufactured, a claim containing a statement of his demand and the amount thereof, after deducting as nearly as possible all just credits and offsets, with the name of the person by whom he was employed, with a statement of the terms and conditions of his contract, if any, and in case there is no express contract, the claim shall state what such service, work or labor is reasonably worth; and it shall also contain a description of the property to be charged with a lien sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or some other person to the effect that the affiant believes the same to be true, which claim shall be substantially in the following form:

..... Claimant, vs.
 Notice is hereby given that..... of
 county, State of Montana, claims a lien upon a.....of.....
 being about.....in quantity, which were cut or manufac-
 tured in.....County, State of Montana, are
 marked thus, ...are now lying
 in a for labor performed upon and assistance
 rendered in..... said;
 that the name of the owner or reputed owner is.....;
 that employed said
 to perform such labor and rendered such assistance upon the follow-
 ing terms and conditions, to-wit: The said.....
 agreed to pay the said..... for such labor and
 assistance.....; that said contract has been
 faithfully performed and fully complied with on the part of said

..... who performed labor upon and assisted in said.....for a period of; that said labor and assistance were so performed and rendered upon said.....between the day of and the..... day of..... and the rendition of said service was closed on the day of....., and thirty days have not elapsed since that time; that the amount of claimant's demand for said service is.....; that no part thereof has been paid except..... and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of in which amount he claims a lien upon said..... The said..... also claims a lien on all said.....now owned by said of said county to secure payment for the work and labor performed in obtaining or securing the said logs, piling, railroad ties, cord wood or other timber, lumber or shingles herein described.

.....Claimant.

State of Montana, County of..... ss.

..... being first duly sworn, on oath says that he is.....named in the foregoing claim, has heard the same read, and knows the contents thereof, and believes the same to be true.

.....
Subscribed and sworn to before me this.....
day of

.....
Section 8. Every person mentioned in Section Three of this Act claiming the benefit thereof must file for record with the county clerk of the county in which such saw logs, piling, railroad ties, cord wood or other timber were cut, a claim in substance the same as provided in the next preceding section of this Act, and verified as therein provided.

Section 9. The county clerk must file any claim presented under the provisions of this Act, endorse thereon the time of receiving the same, and keep the same in his office for the inspection of all persons and shall enter in a book, properly ruled and kept for such purpose,

the names of all the parteis, such names to be alphabetically arranged, the amount of the lien and the time of filing the same.

Section 10. No lien provided for in this act binds any saw logs, piling, railroad ties, cord wood or other timber, or lumber and shingles for a longer period than eight calendar months after the claim as herein provided has been filed, unless a civil action be commenced in a proper court, within that time, to enforce the same; Provided, however, That in case such civil action so commenced should for any cause other than the merits, be non-suited or dismissed, then the lien shall continue for the term of one calendar month, if the said eight months have expired to permit the commencement of another action thereon, which shall be as effective in prolonging the lien as if it had been entered during the term of eight months hereinbefore stated .

Section 11. The liens provided for in this act shall be enforced by a civil action in the district court of the county wherein the lien was filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial, and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien that may be against it.

Section 12. Any person who shall bring a civil action to enforce the lien provided for, any person having a lien as provided for, or who shall be made a party to any such civil action, has the right to demand that such lien be enforced against the whole or any part of the saw logs, piling, railroad ties, cord wood or other timber or manufactured lumber or shingles upon which he has performed labor or which has assisted in securing or obtaining, or which he has cut on his timber land during the three months next preceding the filing of his lien, for all his labor upon or for all his assistance in obtaining or securing said saw logs, piling, railroad ties, cord wood or other timber, or in manufacturing said lumber into shingles during the whole or any part of the three months mentioned in Section seven (7) of this Act, or for timber cut during the whole or any part of the three months above mentioned. And where proceedings are commenced against any lot of saw logs, piling, railroad ties, cord wood or other timber or lumber or shingles, as herein provided, and some of the lienors claim liens against these specific saw logs, piling, railroad ties, cordwood, or other timber or lumber or shingles proceeded against, and others against the same generally, to secure their claim

for work and labor, the priority of the liens shall be determined as hereinbefore provided.

Section 13. No mistake or error in the statement of the demand, or of the amount of credits and offsets allowed, or of the balance asserted to be due to claimant, nor in the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand credits and offsets or of the balance due was made with the intent to defraud or the court shall find that an innocent third party without notice, actual or constructive, has, since the claim was filed, become a bona fide owner of the property lienied upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry in any manner.

Section 14. It shall be conclusively presumed by the court, that a party purchasing the property lienied upon within the thirty days given herein to claimants wherein to file their liens, is not an innocent third party, nor that he has become a bona fide owner of the property lienied upon, unless it shall appear that he has paid full value for the said property and has seen that the purchase money of the said property has been applied to the payment of such bona fide claims, as are entitled to liens upon the same property under the provisions of this Act, according to the priorities herein established.

Section 15. Any number of persons claiming liens under this Act may join in the affidavit in Section 12 of this Act, provided, and may join in the same action and when separate actions are commenced the court may consolidate them. The court shall also allow as parts of the costs the money paid for filing making and recording the claim, and a reasonable attorney's fee for each person claiming a lien.

Section 16. In each civil action judgment must be rendered in favor of each person having a lien for the amount due to him, and the court or judge thereof shall order any property subject to the lien herein provided for to be sold by the sheriff of the proper county in the same manner that personal property is sold on execution, and the court or judge shall apportion the proceeds of such sale to the payment of each judgment, according to the priorities established in this act pro rata in its class, according to the amount of such judgment.

Section 17. The court or judge may order any property subject to a lien as in this Act provided, to be sold by the sheriff as personal property is sold on execution either before or at the time judgment

is rendered, as provided in section next preceding and the proceeds of such sale must be paid into court to be applied as in said section directed.

Section 18. Any person who shall eloign, injure or destroy, or who shall render difficult, uncertain or impossible of identification any saw logs, piling, railroad ties, cord wood, shingles, or other timber upon which there is a lien as herein provided, without the express consent of the person entitled to such lien, shall be liable to a lien holder for the damages to the amount secured by his lien, and it being shown to the court in a civil action to enforce said lien, it shall be the duty of the court to enter a personal judgment for the amount in such action against the said person, provided he be a party to such action or the damages may be recovered by a civil action against such person

Section 19. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved Feb 20th 1899

HOUSE BILL NO. 7.

An Act entitled An Act providing a lien for boarding and lodging house Keepers, and to amend Section 2502 of the Civil Code, and repeal Section 2511 of the Civil Code.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2502 of the Civil Code be amended so as to read as follows, to-wit:

"Section 2502. Hotel men, boarding house and lodging house keepers shall have a lien upon the baggage and other property of value brought into such hotel, inn or boarding or lodging house, by such guest or boarder or lodger, for their accommodation, board or lodging and room rent and such extras as are furnished at their request, with the right to the possession of such baggage or other property of value, until all such charges are paid. "Provided, however, that nothing herein contained shall be construed to give a lien upon property sold on the installment plan and title to which is to remain in the vendor until final payment."

Section 2. That Section 2511 of the Civil Code be and the same is hereby repealed.

Section 3. This Act shall be in force from and after its passage and approval.

Approved Feby 16th 1899.

SENATE BILL NO. 23.

An act to amend Section 4241, Article III, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to the issuance and execution of county bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4241, Article III, Chapter II, Title II, Part IV, of the Political Code of Montana, be amended so as to read and shall be numbered as follows:

Section 4241. The Board must fix the denomination of each bond, issued under this Article, and prescribe the form thereof: and each bond and all coupons attached thereto must be signed by the Chairman of the Board and the Treasurer of the County: and each bond and coupon must be countersigned by the County Clerk, and each bond sealed by him. Provided, a lithographic or engraved fac-simile of the signatures of the Chairman of the Board, Treasurer and County Clerk may be affixed to the coupons, only, when so recited in the bond. Each bond issued must be registered by the County Treasurer in a book provided for that purpose, which must show the number and amount of each bond, and when and to whom issued.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved Feb. 22nd 1899

HOUSE BILL NO. 1.

An Act entitled "An Act to amend Section 592 of the Code of Civil Procedure of Montana, relating to property held in Joint tenancy and tenancy in common."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 592 of the Code of Civil Procedure of Montana, be and the same is hereby amended so as to read as follows:

"Section 592. If any person shall assume and exercise exclusive ownership over, or take away, destroy, lessen in value, or otherwise injure or abuse any property held in joint tenancy, or tenancy in common, the party aggrieved shall have his action for the injury in the same manner as he would have if such joint tenancy or tenancy in common did not exist.

Provided: That nothing herein contained shall prevent one co-tenant or joint tenant, or any number of co-tenants or joint tenants acting together less than all, from entering on the common property at any point or points not then in the actual occupancy of the non-joining co-tenants or joint tenants and enjoying all rights of occupancy of the property, without waste; and in the case of mining property, from mining the same in a minerlike manner, and extracting, milling and disposing of the ore from the common property, paying its or their own expenses, and subject to accounting to the non-joining co-tenant or joint tenant for the net profits of such mining operations, if any made; and all liens for labor and materials incurred in such mining shall attach only to the undivided interest or interests of the working co-tenants or joint tenants, but nothing herein shall prevent or preclude the co-tenant or joint tenant, not joining in the operation of such mining property from receiving his, its, or their proportionate share of all ore or ores on the dump upon payment or tendering payment of the actual cost of mining the same."

Approved Feb 28 1899

SENATE BILL NO. 104.

An Act to Amend Section 2211, of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2211 of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana, be amended so as to read as follows:

Section 2211. Subject to the provisions of this Title, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the Government of the United States.

2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislative Assembly of the State.

3. Public buildings and grounds for the use of any county, city, or town, or school district; canals, aqueducts, flumes, ditches, or pipes conducting water, heat or gas for the use of the inhabitants of any county, city, or town; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets and alleys, and all other public uses for the benefit of any county, city or town, or the inhabitants thereof, which may be authorized by the Legislative Assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes or ordinances by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, of all kinds, private roads, plank and turnpike roads, railroads, canals, ditches, flumes, aqueducts and pipes for public transportation, supplying mines, mills and smelters for the reduction of ores and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and cites for reservoirs, necessary for collecting and storing water.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines, mills or smelters for the reduction of ores; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines, mills and smelters for the reduction of ores;

also an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposits or conduct of tailings or refuse matter from their several mines, mills or smelters for reduction of ores, and sites for reservoirs necessary for collecting and storing water.

6. Private roads leading from highways to residences or farms.

7. Telephone or electric light lines.

8. Telegraph lines.

9. Sewerage of any city, county or town, or any subdivision thereof, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state or to any college or university.

10. Tramway lines.

11. Electric power lines.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved March 7th 1899

HOUSE BILL NO. 108.

An Act to repeal Section 494, of the Code of Civil Procedure, prescribing a limitation of one year for actions for the recovery of placer mining claims.

Be it enacted by the Legislative Assembly of the State of Montana :

Section I. That Section 494, of Chapter II, Title II, Part II, of the Civil Code of Procedure be, and the same hereby is, repealed.

Approved March 7th 1899.

HOUSE BILL NO. 106.

An Act to authorize the appointment of a commissioner for the measurement and division of water under decrees of Court in certain cases.

Be it enacted by the Legislative Assembly of the State of Montana :

Section. 1. Whenever the water rights pertaining to any stream or water system within the State of Montana have been determined

by a decree of a competent Court it shall be the duty of the district judge of the district within which such water rights are situated, upon the application of the owners of at least twenty-five per cent of the water rights affected by such decree, to appoint a commissioner, who shall have the authority to measure and distribute to the parties interested under such decree the waters to which they are entitled, according to their priority as established by such decree; and for that purpose such commissioner shall have authority to enter upon any ditch, canal, aqueduct, or other source for conveying the waters affected by such decree, and to visit, inspect and adjust all headgates or other means of distributing such waters; and shall have the same power as a sheriff or constable to arrest any and all persons interfering with the distribution made by him, and to take such persons so arrested before the Judge of the District Court for trial for contempt of the decree of said Court.

Section 2. The parties using the water shall be liable for the payment of the fees and compensation of such Commissioner, and the Judge of the District Court is authorized and directed to fix the compensation of such Commissioner; and to apportion the amount of such compensation proportionately among the water users named in said decree, and which said order shall have the force and effect of a judgment, and may be enforced by an execution.

Section 3. If said Commissioner shall fail to perform the duties imposed upon him by the order of Court, he shall be deemed guilty of contempt of the order of said Court.

Approved March 2nd, 1899.

HOUSE BILL NO. 12.

An Act to amend Section 2434 in Article *III*, of Chapter *III*, of Title XII of Part *III*, of the Code of Civil Procedure of the State of Montana, relating to the Appointment of Administrators of Estates of Deceased Persons.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2434 in Article *III*, of Chapter *III*, of Title XII. of Part *III* of the Code of Civil Procedure of the State of Montana, relating to the appointment of administrators of estates of

deceased persons, be and the same is hereby amended so as to read as follows:

"Sec. 2434. No person is competent or entitled to serve as administrator or administratrix who is:

1. Under the age of majority.
2. Not a bona fide resident of the State, but if a person otherwise entitled to serve is not a resident of the State, and either the husband, wife or child, or parent, or brother or sister of the deceased, he may request the court or judge to appoint a resident of the State to serve as administrator, and such person may be appointed, but no other non-resident than a surviving husband, wife or child, or parent or brother or sister shall have such right to request an appointment, and the court or judge must order letters issued to the applicant entitled thereto under the provisions of this article.
3. Convicted of an infamous crime.
4. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding or integrity."

Section 2. This Act shall take effect upon and immediately after its passage.

Approved Feby 16th 1899.

HOUSE BILL NO. 42.

An Act entitled an Act to amend Section 1688, Chapter XII, Title XI, of the Code of Civil Procedure, relating to the appointment of special constables.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1688 of the Code of Civil Procedure be amended as follows.

Section 1688. If in any township there should be no duly elected, appointed or qualified constable but not otherwise, a justice of the peace in such township may at the request of a party after being satisfied that it is expedient to do so specially depute any proper person of suitable age not interested in the act to serve a summons with or without an order to arrest the defendant, or with or without a writ of

attachment or to serve an execution. The justice shall be liable upon his official bond for all official acts of the person so deputed. Such deputation shall be in writing made on the process and a note thereof made on the justice's docket.

Approved Feb 28th 1899

HOUSE BILL NO. 66.

An Act To Amend Section 895, Chapter IV, Title VII, Of The Code Of Civil Procedure Of The State Of Montana; Relating To The Levy Of Writs Of Attachment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 895, Chapter IV, Title VII, of the Code of Civil Procedure of the State of Montana, be, and the same is hereby amended so as to read as follows:

Sec. 895. The sheriff to whom the writ is directed and delivered must execute the same without delay and if the undertaking mentioned in Section 893 be not given as follows:

1. Real property standing upon the records of the county in name of the defendant must be attached by filing with the County Clerk a copy of the writ, together with the description of the property attached, and a notice that is attached.

2. Real property or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached by filing with the county clerk a copy of the writ, together with a description of the property, and a notice that such real property and any interest of the defendant therein held by or standing in the name of such other person, (naming him) are attached. The County Clerk must index such attachment when filed, in the names of both of the defendant and of the person by whom the property is held, or in whose name it stands on the record.

3. Personal property, capable of manual delivery, must be attached by taking it into custody, except in cases in which personal property capable of manual delivery is in the possession of a third person, and such personal property, so in the possession of a third person, may be attached in the same manner as debts or credits and

other personal property not capable of manual delivery as hereinafter provided.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company must be attached by leaving with the president or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. Debts or credits and personal property not capable of manual delivery, and personal property in the possession of a third person, must be attached by leaving with the person owing such debt, or having in his possession or under his control such credits and personal property, or with his agent, a copy of the writ and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control belonging to the defendant, are attached in pursuance of such writ.

Sec. 2. That all Acts and parts of Acts which are inconsistent with this Act are hereby repealed.

Approved March 7th 1899.

SUBSTITUTE FOR HOUSE BILL NO. 139.

An Act to amend Sections 893 and 1562, of the Code of Civil Procedure, of the State of Montana, relating to the writ of attachment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 893, of the Code of Civil Procedure of the State of Montana be, and the same is hereby amended, so as to read as follows:

Section 893. The writ must be directed to the sheriff of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which must be stated in conformity with the complaint, unless the defendant give him security by the undertaking of at least two sufficient sureties, in an amount sufficient to satisfy such demands, besides costs, or in an amount equal to the value of the property which has been or is about to be attached, in which case, to take such undertaking; such under-

taking is to be to the plaintiff or plaintiffs in the action, and shall be approved in writing on the back thereof by the plaintiff or plaintiffs or his or their attorney or attorneys, or upon their refusal, by the judge of the district court of the same county as the residence of the sheriff; the sheriff shall thereupon file said undertaking with the clerk of the district court out of which said writ of attachment emanates, and such sheriff shall thereupon cease to be liable under said writ, and any and all actions on such undertaking shall be against the obligors named in such undertaking. Several writs may be issued at the same time to the sheriffs of different counties. In no case shall the sheriff attach more property than appears necessary to satisfy the plaintiff's demand.

Section 2. That Section 1562, of the Code of Civil Procedure of the State of Montana be, and the same is hereby amended, so as to read as follows:

Section 1562. The writ may be directed to the sheriff or any constable of the county, or the sheriff of any other county, and must require him to attach and safely keep all the property of the defendant in his county, not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which must be stated in conformity with the complaint, unless the defendant has given him security, by the undertaking of two sufficient sureties, in an amount sufficient to satisfy such demand, besides costs, in which case to take such undertaking. Such undertaking is to be to the plaintiff or plaintiffs in the action, and shall be approved in writing on the back thereof by the plaintiff or plaintiffs, or his or their attorney or attorneys, or upon their refusal, by the justice issuing such writ.

Approved March 7th 1899

SENATE BILL NO. 86.

An Act to provide for attachments prior to maturity of debts,

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Actions may be commenced and writs of attachment issued upon any debt for the payment of money or specific property before the same shall have become due when it shall appear by the

affidavit in addition to what is required in Section 891, Chapter IV, Title VII, Part II, of the Code of Civil Procedure:

First, That the defendant is leaving, or is about to leave this State, taking with him property, moneys or other effects, which might be subjected to the payment of the debt, for the purpose of defrauding his creditors; or

Second, That the defendant is disposing of his property, or is about to dispose of his property, subject to execution, for the purpose of defrauding his creditors;

Provided, That any judgment obtained under the provisions of this section shall be with a rebatement of the interest from the time said judgment is rendered until the time at which said debt shall have become due; and

Provided, also, That the defendant may by a plea put in issue the matter alleged in the affidavit herein required, and if the plaintiff fails to substantiate some one of the causes required to be alleged in said affidavit, the suit for debt or debts not due shall abate.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3rd 1899

SENATE BILL NO. 31.

An Act to Amend Sections 720 and 722, Chapter. VI, title VI, part II, of the Code of Civil Procedure of Montana, relating to pleadings in Civil actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 720, Chapter VI Title VI, Part II, of the Code of Civil Procedure is hereby amended so as to read as follows:

Section 720 Where the answer contains a counter claim, or any new matter, the plaintiff, if he does not demur, shall within twenty days after service and filing of the answer, reply to such counter claim or new matter denying, generally or specifically, each allegation controverted by him and he may allege, in ordinary or concise language, and without repetition, any new matter not inconsistent with the complaint constituting a defense to such counter claim or new matter in the answer.

Section 2. Section 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure, is hereby amended so as to read as follows:

Section 722 If the plaintiff fails to reply or demur to the counter claim, the defendant shall be entitled to the same relief as a plaintiff upon the failure of defendant to demur or answer the complaint. If the answer contains new matter and the plaintiff fails to reply or demur thereto within the time allowed by law, the defendant may move, on notice, for such judgment as he may be entitled to upon such statement, and the court may thereupon render judgment or order a reference or assessment for damages by jury as the case may require.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval,

Approved Feb 22nd 1899

SENATE BILL NO. 11.

An Act to amend Section 633 of the Code of Civil Procedure of the State of Montana, relating to the issue of alias summons.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 633 of the Code of Civil Procedure be amended so as to read as follows:

Section. 633. if the summons is returned without being served on any or all of the defendants, or part of defendants, or if it has been lost, the Clerk, upon demand of the plaintiff, or his attorney, accompanied by a statement in writing filed with the Clerk that said summons has been lost, or has not been served upon any or all of the defendants, shall issue an alias summons in the same form as the original, but no such alias summons shall be issued after the expiration of three years from the filing of the complaint, provided, that this act shall not be construed to effect pending actions in which more than one year has elapsed since the filing of the complaint."

Approved Feby. 17th, 1899.

HOUSE BILL NO. 3.

An Act to amend Section 516 of the Code of Civil Procedure, by adding one sub-division Thereto And to Amend Section 517 of said Code by repealing sub-division 3 Thereof, relating to Limitation of actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 516 of the Code of Civil Procedure of the State of Montana be amended by the addition of one sub-division and Section 517 of said Code be amended by repealing sub-division 3 thereof, so that said sections shall read as follows:

Section 516. Within one year:

1. An action against a Sheriff, or other officer, for the escape of a prisoner, arrested or imprisoned on civil process.
2. An action against a municipal corporation for damages or injuries to property caused by a mob or riot; or by a municipal corporation for the violation of any city or town ordinance.
3. An action against an officer or officer de facto, to recover any goods, wares, merchandise or other property, seized by any such officer in his official capacity as tax collector, or to recover the price or value of any goods, wares, merchandise, or other personal property so seized, or for damages for the seizure, detention, sale of, or injury to any goods, wares, merchandise, or other personal property seized, or for damages done to any person or property in making any such seizure.
4. An action for killing or injuring stock by a railroad corporation or company.

Section 517. Within six months.

1. To recover stock sold for a delinquent assessment.
2. Actions for claims against a county, which have been rejected by the county commissioners, must be commenced within six months after the first rejection thereof by such board.

Approved Feby 20th 1899.

HOUSE BILL NO. 125.

An Act To Cure Defects In Deeds and Conveyances Heretofore Made To Real Property That Are Defective In Execution Or Acknowledgement, And To Cure Defects In Judicial Sales Of Real Property, And Sales Of Lands And Personal Property By Executors, Administrators And Guardians.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All deeds to real property heretofore executed in this State, or any State or Territory of the United States, which shall have been signed by the grantors in due form, shall be sufficient in law to convey the legal title to the premises therein described from the grantors to the grantees, without any other execution or acknowledgement or witnesses thereto whatever; and such deeds so executed shall be received in evidence in all courts in this State, and be conclusive evidence of the title to the lands therein described against the grantors, their heirs and assigns.

Section 2. All judicial sales of real property heretofore made in this State on proceedings to satisfy valid judgments or decrees of any court, and the monies bidden thereon paid to the officer making such sale, shall be valid and sufficient in law to sustain a sheriff's deed based on such sale, and when no such deed has been executed, shall entitle such purchaser to such deed; and such deed, when executed, shall be sufficient to convey all the title of the judgment debtor in the premises so sold to the purchaser at said sale, and all defects and irregularities in the issuance of execution, or the manner of making or conducting the sale, shall be disregarded.

Section 3. All sales by executors and administrators of their decedent's real and personal property, and all sales by guardians of their ward's real and personal property in this State to purchasers for a valuable consideration, which has been paid by such purchasers to such executors or administrators or guardians of their successors in good faith, and such sales shall not have been set aside by the District or Probate Court, shall be sufficient to sustain an executor's or administrator's or guardian's deed or conveyance to such purchaser for such real or personal property; and in case such deed or conveyance shall not have been given shall entitle such purchaser to such deed or conveyance and the same shall be sufficient to convey to such purchaser

all the title that such decedent or ward had in said real or personal property; and all irregularities in obtaining the order of the court for such sale, and all irregularities in making or conducting the same by such executor, administrator or guardian, shall be disregarded.

Section 4. When such deeds or conveyances so executed shall have been recorded in the records of deeds in the proper county, such record duly certified by the County Clerk, shall be evidence in all courts, and have the same effect as the original.

Section 5: Any and all Acts in conflict with this Act are hereby repealed.

Approved March 2nd 1899

HOUSE BILL NO. 124.

An Act to amend Sections 1722 and 1723 of Chapter I, of Title XIII of Part II of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. Sections 1722 and 1723 of Chapter I of Title XIII, of Part II, of the Code of Civil Procedure of the State of Montana are hereby amended so as to read as follows.

Section 1722. An Appeal may be taken to the Supreme Court from a District Court, in the following cases. 1. From a final judgment entered in an action or special proceeding commenced in a District Court, or brought into a District Court from another Court. 2. From an order granting or refusing a new trial; or granting or dissolving an injunction; or refusing to grant or dissolve an injunction; or dissolving or refusing to dissolve an attachment; from an order appointing or refusing to appoint a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or affecting a receiver; from an order directing the delivery, transfer or surrender of property; from any special order made after final judgment; and from such interlocutory judgments or orders in actions for partition as determine the rights and interests of the respective parties and direct partition to be made. (In any of the cases mentioned in this sub-division the Supreme Court or a judge thereof may stay all proceedings under the order appealed from, on such conditions as may

seem proper.) 3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition; sale or conveyance of real property, or settling an account of an executor, or administrator, or guardian; or refusing, allowing, directing, the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, legacy or distributive share; or confirming or refusing to confirm a report of an appraiser setting apart a homestead.

Section 1723. An appeal may be taken:

1. From a final judgment in an action or special proceeding commenced in the court in which the same is rendered within one year after the entry of judgment.

2. From a judgment rendered, on an appeal from an inferior court, within ninety days after the entry of such judgment.

3. From an order granting or refusing a new trial; from an order granting, dissolving, or modifying an injunction; from an order refusing to grant, dissolve or modify an injunction; from an order dissolving or refusing to dissolve or modify an attachment; from an order appointing or refusing to appoint, a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or effecting a receiver; from an order directing the delivery, transfer, or surrender of property; from any special order made after final judgment; from an interlocutory judgment or order in actions for partition of real property, and from an order confirming, changing, modifying, or setting aside the report in whole or in part of the referees in actions for partition of real property, within sixty days after the order or interlocutory judgment is made and entered in the minutes of the court filed with the clerk. In any of the cases mentioned in this sub-division the Supreme Court or a Judge thereof may stay all proceedings under the order appealed from, on such conditions as may seem proper.

4. From the judgment or orders mentioned in sub-division 3 of the next preceding section, within sixty days after the judgment or order is made or entered, or filed with the clerk.

Section 2. This act shall take effect and be in force from and after its passage and approval.

Passed over the Governor's Veto Feby. 28th, 1899.

SENATE BILL NO. 66.

An Act to amend Section 1480, of Title XI, Chapter I, of the code of Civil Procedure of Montana, relating to place of trial of actions in Justices' Courts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section number 1480, of Title XI, Chapter I, of the Code of Civil Procedure of Montana, be and the same is hereby amended so as to read as follows:

Section 1480. Actions in justices' courts may be commenced and, subject to the right to change the place of trial, as in this chapter provided, may be tried:

1. When the defendant, or all of the defendants, if there be more than one, resides in another county than that in which the right of action accrues and the action be for the recovery of personal property, or the value thereof, or damages for taking or detaining the same; in any township of the county in which the property or any part thereof may be found, or in which the property or any part thereof was taken, or in which the defendant or either of the defendants reside.

2. When the defendant or all of the defendants, if there be more than one, reside in another county than that in which the right of action accrues and the action be for damages for violation of an express or implied contract or for money due on an express or implied contract, debt, note or account; in any township of the county in which such contract or obligation is to be or was to have been performed or such money is to be or was to have been paid, or in which the defendant or either of the defendants resides; and the county in which the obligation is incurred shall be deemed to be the county in which it is to be performed or paid, unless there is a special contract to the contrary.

3. When the defendant or all of the defendants, if there be more than one, reside in another county than that in which the right of action accrues and the action be for damages for injury to person, property or reputation; in any township of the county where the injury

was committed, or in which the defendant or either of the defendants resides.

4. When the defendant is a non-resident of the county; in any township of any county where he may be found and served with summons personally.

5. When the defendant is a non-resident of the State, in any township of the State.

6. When the parties voluntarily appear and plead, without summons; in any township of the State.

7. In all other cases, in any township of the county in which the defendant, or any one of the defendants, if there be more than one, resides or may be found and served with summons personally.

Section 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved Mch 3rd 1899

SENATE BILL NO. 25.

An Act to amend Section 704, in Title X of Part I, of the Penal Code of the State of Montana, relating to exposed shafts, and providing a penalty for failure to enclose and protect the same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 704 in Title X, of Part I, of the Penal Code of the State of Montana, be, and the same is hereby amended so, as, to read as follows:

Section 704. Every person who sinks any shaft or runs any drift or cut, or causes the same to be done, within the limits of any city or town or village in this state, or within one mile of the corporate limits of any city or town, or within three hundred feet of any street, road or public highway, and who shall fail to place a substantial cover over or tight fence around the same, is punishable by a fine not exceeding one thousand dollars (\$1,000).

The owner of any property, or his agent in charge thereof, or any person in possession of the same shall be deemed to be within the

provisions of this act if he permit any such shaft, drift or cut to remain open, exposed or unprotected upon his property, or the property in his charge or possession, for a period of more than ten days.

Mining. irrigating and other ditches may be dug or cut to a depth not exceeding ten feet without incurring the penalty of this section.

Section 2. All Acts and Parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved Feb. 28th 1899

SENATE BILL NO. 32.

An Act to Suppress and Punish Trespasses, and Stealing Rides, upon Cars, Engines, and trains, and Authorizing train men to arrest and Prosecute offenders against this act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be and hereby is declared to be a misdemeanor for any person to enter upon, ride upon, or secure passage upon, any railroad car or locomotive or tender, of any description, other than a car used exclusively for the carriage of passengers, with intent thereby to obtain a ride without payment therefor, or fraudulently obtain carriage upon any such car, locomotive or tender.

Section 2. It shall be and is hereby declared to be misdemeanor for any person excepting railroad employes in the performance of their duty, to take passage or ride upon, or enter for the purpose of taking passage or riding upon, the trucks, rods, brake-beams, or any part of any car, locomotive, or tender not ordinarily and customarily used, or intended for the resting place of a person riding upon or operating the same.

Section 3. Every conductor, engineer or other person in charge of the operation of cars or trains, or locomotives, upon any railroad, are, while so engaged or employed, hereby constituted public executive officers, of the class of peace officers, and of the grade of a constable in each county wherein their train or car, or cars, or locomotives may from time to time happen to be, and are hereby given the same au-

thority as other peace officers to with or without a warrant arrest and prosecute persons violating any provision of this Act. provided, however, that the persons mentioned herein shall not be entitled to receive fees for any arrest or prosecution which may be made or prosecuted under this Act." And provided further, that none of the persons herein named shall be authorized to hold said office or exercise its functions unless at the time he shall be a citizen of the United States, and shall have been a citizen of this State for at least one year next preceding his exercising the functions thereof."

Approved Feb 24th 1899

SENATE BILL NO. 42.

An Act to Amend Section 702, of the Title X of the Penal Code of the State of Montana, relating to the adulteration of Candy.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 702 of Title X of the Penal Code of the State of Montana, of an Act concerning crimes against the public health and safety, approved March 15, 1895, be, and the same is hereby amended to read as follows:

Section 702. Every person who shall, by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health, is guilty of a misdemeanor.

Section 2. This Act shall be in force and effect from and after its passage and approval by the Governor,

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb 22nd 1899

HOUSE BILL NO. 188.

An Act Entitled an Act providing for the submission to the electors of the State of Montana for their Approval or Rejection an amendment to Section 5, Article VIII, of the Constitution of the State of Montana, relative to Justices of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana :

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next geenral election to be held within the State, the following amendment to Section 5. Article VIII, of the Constitution of the State of Montana, relating to the Supreme Court.

Section 2. Section 5 of Article VIII shall be amended as follows:

The Supreme Court shall consist of three Justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain and the Legislative Assembly shall have the power to increase the number of said justices to not less nor more than five. In case any justice or justices of the Supreme Court shall be in any way disqualified to sit in a cause brought before such court, the remaining justice or justices shall have power to call on one or more of the District Judges of this State as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this Section provided, the decision and the opinion of such District Judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the Supreme Court.

Section 3. The vote upon this amendment shall be counted and canvassed by such persons and in such manner as provided by law for the counting and canvassing of the vote for members of Congress, and if a majority of all the votes cast at said election, for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as part of the constitution from and after the date of said proclamation.

Section 4. The official ballot used at the general election held in November, 1900, shall have printed thereon the following words:

For the amendment to the constitution relating to the Supreme Court, and the words against the amendment to the constitution relating to the Supreme Court.

Section 5: All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7th 1899

SENATE JOINT MEMORIAL NO. 1.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

Whereas, Owing to the fact that the Indians resident upon reservations within the State of Montana are allowed to and do habitually make a practice of leaving their reservations in large numbers and roaming over the country and in and through settled and cultivated portions of the State, to the terror and annoyance of the people of Montana and to the wholesale and useless destruction of the game of the State, such Indians are a continual menace to the peace of the people of Montana and the preservation of the game of the State and commit numerous depredations and violations of law and disturbances of families and communities and uselessly slaughter and destroy every year great quantities of game; and,

Whereas, it is impracticable and often impossible for the civil authorities of Montana to prevent or punish such acts by such Indians and an attempt so to do would be attended by great and unjustifiable cost and expense; therefore, be it

Resolved, that we, your memorialists, the Legislative Assembly of the State of Montana, respectfully represent that we ask the Congress of the United States to enact proper and effective legislation to prevent all of such acts by Indians in the State of Montana and to make it unlawful for Indians resident upon reservations in the State of Montana to ever at any time or for any purpose leave or be found off their reservations and to enact such measures as will stringently enforce such legislation. it is by us further resolved that the Secretary of State of Montana be and he is hereby ordered to furnish a copy of this memorial to each of our Senators and Representatives in Congress.

Approved February 11th 1899

SENATE JOINT MEMORIAL NO. 2.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

Whereas, There are now in that portion of the State of Montana, known as the Flathead Indian Reservation, many thousand acres of magnificent agricultural land, in every way suitable for farming and stock-raising, which are now wholly uncultivated, and practically uninhabited by any one, the only persons living thereon being Indians, and which said lands are far in excess of the needs and demands of said Indians, and yield no revenue whatever, either to the National government or the State of Montana, and add nothing to the material wealth thereof, but is rather a source of trouble, expense and annoyance to both; and,

Whereas, There are thousands of citizens who are now ready and anxious to go upon said reservation as soon as the same is opened for settlement, there to make their homes and reduce said lands to a state of settlement and cultivation, which we, your memorialists, assert, will add millions of dollars to the material wealth of the State of Montana, and yield much revenue to the National and State Governments; and,

Whereas, There is now an Indian Commission appointed by the general Government to negotiate with the Indians upon said Reservation for the surrender of their title to the same to the United States, which said commission has been for more than two years negotiating with said Indians, to the end aforesaid, but your memorialists assert that owing to the fact that the persons comprising said commission were appointed from without the State of Montana, and for other reasons, said commission has thus far been unable to do anything looking to the end and purpose for which they were appointed, but on the contrary has developed much opposition from such Indians, to the extent that we believe it is now impossible for the commission now in existence for that purpose, to make any progress whatever toward the opening for settlements of lands embraced in said Reservation; and,

Whereas, We believe if proper persons; who are citizens of the State of Montana and familiar with said Indians, their customs and wants and in whom said Indians would naturally repose greater confidence, were appointed as a special commission to act in place and instead of said commissoin now in existence, that great good would result therefrom, and that such portions of said Reservation as are deemed advis-

able, would be speedily opened for settlement, with the results hereinbefore set forth.

RESOLVED THEREFORE, That we, your memorialists, the Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States to enact such speedy and proper legislation as will result in the appointment of the special Indian Commission herein mentioned, and the speedy opening of said lands for settlement and cultivation.

And it is further resolved, That the Secretary of State of Montana be, and he is hereby ordered to furnish a copy of this memorial to each of our Senators and Representatives in Congress.

Approved Feb 22nd 1899

SENATE JOINT MEMORIAL NO. 3.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

Whereas, There are now in the portion of the State of Montana, known as the Fort Peck Indian Reservation, many thousand acres of desirable agricultural land, in every way adaptable to farming and stock raising, far in excess of the needs of the Indians of said Reservation; and

Whereas, This land embodies some of the choicest land in Eastern Montana, which is now of no material benefit to the said Indians or a source of revenue to either Federal or State Government; and

Whereas, The Treaty of said Indians having expired, necessitating some action by Congress; therefore be it

Resolved, That we, your memorialists, the Sixth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States, to enact such legislation as will result in the appointment of a Special Indian Commission, a part of which shall be residents of this State, with full power to treat with such Indians for the cession and opening for settlement under the usual regulations described as follows:

All that portion west of Poplar Creek and a line due north of the head of such creek; all that portion north of a line where the public

surveys would locate the line between townships thirty (30) and thirty-one (31) north; together with that portion lying east of a line running due north and south of the west switch of Brockton side track on the Great Northern Railway.

And it is further resolved, That the Secretary of State of Montana, be, and he is hereby ordered to furnish a copy of this memorial to each of our Senators and Representatives in Congress.

Approved Feb 28th 1899

SENATE JOINT MEMORIAL NO. 4.

In Relation to the Pasturing of Sheep and Other Live Stock Upon the Forest Reserves Within the State of Montana.

Be it Resolved; By the Senate and House of Representatives of the State of Montana, that the Honorable the Secretary of the Interior of the United States of America be memorialized as follows:

Whereas, the present rules of the Department of the Interior relative to forest reserves prohibits the grazing of Sheep and other live stock on the Forest Reserves in the Rocky Mountain Districts of the Country, and

Whereas, there is great danger that heavy pecuniary loss will fall upon the residents, settlers and flock masters residing in the vicinity of the various Forest Reserves, in the State of Montana, by reason of such regulations of the Department of the Interior, and, by reason of the enforcement thereof; and,

Whereas, the purpose for which the said Forest Reserves were established will not be any more successfully accomplished by the enforcement of the said regulations of the Department of the Interior, nor will the objects and purposes for which the said reserves were established be thwarted and defeated by the abrogation of said regulations; and,

Whereas, a large portion of the area covered by the Forest Reserves is above timber line and therefore grass bearing land without trees, and such portions as are below timber line are frequently interspersed with grass bearing parks of various areas; and,

Whereas, grazing of live stock upon such lands is the best possible

protection from danger to the Forests by fire by reason of the feeding down of the luxuriant grasses of the mountain meadows, so that fires originating in one portion of the Reserve cannot spread with rapidity across the grassy areas from one bunch of timber to another; and,

Whereas, fires do not start in said reserves from the camps of sheep men or cattle men, for the reason that the camp fires of cattle men and sheep men are universally made in stoves carried with them for that purpose, by the use of which there is no danger whatever of fire starting; and,

Whereas, the people of the State of Montana are greatly interested in the preservation of the Forests of the State and desire to co-operate with the general government to the fullest extent in maintaining and increasing the Forest area, for the reason that our present and future prosperity depends largely upon the continual supply of timber for the development of the country and the conservation of moisture in the mountains to supply the streams which irrigate our farms and ranges; and,

Whereas; the enforcement of the aforesaid regulations of the Department of the Interior will deprive the people of the State of Montana of the use of a very large area of the best pasture lands and leave the grasses thereon to go to waste, thereby reducing very materially the amount of live stock that can be carried upon the open range of our State; and,

Whereas, the reduction of the live stock of the open range deprives that portion of our people who are engaged in farming and grain raising of the best market which they now have for the sale of their produce among the sheep and stock men whose flocks and herds graze these pastures; and,

Whereas, this great loss to the people of our State will be incurred without, in any manner directly or indirectly guaranteeing a better protection for our forests;

Therefore, be it Resolved, That the Honorable the Secretary of the Interior of the United States of America be, and is hereby respectfully requested to so modify the rules and regulations governing the Forest Reserves in the State of Montana as to allow the unrestricted grazing of all sheep and other live stock in such reserves, in the future as in the past, and,

Be it Further Resolved, that the Secretary of State be, and he is

hereby instructed to forthwith transmit copies of this memorial properly authenticated, to the Honorable the Secretary of the Interior of the United States of America, and to Hon. Thomas H. Carter and Hon. Lee Mantle, Senators in Congress from the State of Montana.

Approved Feb 28th 1899

SENATE JOINT MEMORIAL NO. 6.

Whereas the Kootenai River in Flathead County, Montana, between the Canadian boundary line and the town of Libby, flows through a country rich in mineral resources, including gold, silver, copper and lead ores, which together with coal and other products of said country must have more adequate transportation facilities, and

Whereas, said river is practically the only means for the transportation of all of the products of the surrounding country, and

Whereas, owing to the obstructions in said river it is only possible during the period of high water, which comprises about three months in the year, to run boats upon the same, and

Whereas, by the expenditure of a reasonable sum of money for the purpose of blasting out the obstructions and constructing "wing dams," the channel of said river could be widened and deepened so as to permit of passage of boat from the Canadian boundary line to the town of Libby, thus contributing greatly to the development of the resources of the State;

Now, Therefore, be it resolved, that the Congress be and hereby is requested to make an appropriation of thirty thousand dollars (\$30,000.00) or so much thereof as may be necessary for the purpose of improving the channel of the Kootenai River in the manner above mentioned, between the Canadian line and the town of Jennings, and the sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary, for the improvement of the channel of said river, between the town of Jennings and the town of Libby;

And be it Further Resolved, That the Secretary of State, be and he is hereby instructed to forthwith transmit copies of this Memorial, properly authenticated to our Senators and Representatives in Congress.

Approved March 7th 1899

SENATE JOINT RESOLUTION NO. 1.

Whereas: Senator Anderson has introduced in the Senate, Senate Bill No. 27 being entitled a Bill for an Act entitled "An Act to provide for the registration of land titles in the State of Montana and to simplify and facilitate the transfer of real estate", which said Bill is commonly known as the "Torrens System" of land transfers, and

Whereas: the same bill has been introduced in the House by Representative Hedges, and said Bills being very long and also providing for radical changes in the system of land transfers, and

Whereas: it is deemed best that the changes proposed in the Bill receive thorough consideration before enacting the same into law, therefore be it

Resolved: By the Senate, the House concurring, that the Governor of the State of Montana, be, and he is hereby authorized and directed to appoint a commission of five (5) suitable persons, within thirty (30) days after the passage and approval of this resolution, and that said commission so appointed shall have power to examine into and report upon the feasibility and advisability of the adoption of the system of land transfers proposed in the Bill above named.

Be it further Resolved, that said commission so appointed by the Governor shall serve without compensation and shall report to the next Legislative Assembly, on or before the first day of the Session thereof, the advisability of adopting the said proposed system of land transfers, said commission deem the principles of land transfers proposed in said Bill to be advisable.

Approved Feby 22nd, 1899.

SENATE JOINT RESOLUTION NO. 3.

Whereas, Having received from the Governor of the State official notice of the recent engagements between the United States forces and the Philippine insurgents, near the City of Manila, in which the Montana Regiment so gallantly lead the assault, storming the trenches of the enemy in and about the village of Caloocan, and sustaining a total loss of one soldier killed and thirty-four Soldiers and officers wounded one of whom has since died, therefore

Resolved, by the Senate of the Sixth Legislative Assembly, the

House concurring, that, while our hearts are made heavy with grief to know that this splendid victory has been purchased with the blood of so many of Montana's bravest sons, we are thrilled with admiration at the heroic gallantry displayed by our citizen-soldiers on the battlefield of Caloocan. We, the Representatives of the citizenship of Montana, rejoice with all the people of this State over the victory so gallantly achieved; we are proud of our sturdy mountain soldiers who have crowned themselves with the laurels of heroism; we express the deepest sympathy for the wounded and heartfelt sorrow for the heroic dead; and to the friends and families of both we extend our sincerest consolation.

Resolved, that copies of these resolutions be transmitted to each Company Commander in the Montana Regiment, as well as to the families of the wounded and the dead.

Resolved, that the following message be cabled at once to the Commander of the Montana Regiment:

"Soldiers and Officers:

With pride in your heroic gallantry, sympathy for the wounded and sorrow for the dead, the hearts of the people of Montana are with you.

LEGISLATURE."

Approved Feby. 22nd, 1899.

SENATE JOINT RESOLUTION NO. 4.

Whereas, Lieut. Col. R. B. Wallace, wounded Feby, 9th. 1899, in the battle of Caloocan, while, at the Head of the First Montana Volunteers leading a charge on the intrenched enemy, is eligible by years. and eminently fitted by courage and experience, for a Brigadier Generalship of Volunteers, under the terms of the Compromise Army Reorganization Bill, now in Congress:

And Whereas, Montana takes pride in the bravery, and splendid career of this Montana Cadet-Soldier, as boy and man, and desires that he secure well merited advancement:

Be it Resolved by the Senate, of the Sixth Legislative Assembly of the State of Montana—the House concurring—

that our Senators and Representative in Congress are urged to co-

operate to obtain for him a Brigadier-Generalship of Volunteers or other high advancement in his chosen profession:

and that the Secretary of State be and is hereby instructed to furnish a copy of this Resolution to each of our Senators and our Representative in Congress.

Approved Feby. 28th, 1899.

HOUSE JOINT MEMORIAL NO. 2.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

Whereas, There exists a reef of rocks from ten (10) to thirty (30) feet high across the Pend d'Oreille River about one and one-half miles below its debouchure from Flathead Lake; and,

Whereas, By reason of said reef acting as a dam during the spring and summer freshets, the waters of said Flathead Lake are caused to back up, thereby overflowing from 4,000 to 6,000 acres of agricultural land in the Flathead valley, to the great detriment of the owners of said lands, by destroying their crops, drowning stock, etc.

Therefore, be it resolved, That we, your memorialists, the Sixth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States, to enact such legislation as will result in the early removal of the obstruction aforesaid.

Resolved, That our Senators and Representatives at Washington are hereby instructed to use all proper means to accomplish the desired legislation. And be it further

Resolved, That the Secretary of State of the State of Montana be, and is hereby instructed to send a copy of this joint memorial to our Senators and Representatives at Washington, D. C.

Approved March 2nd 1899

HOUSE JOINT MEMORIAL NO. 3.

To the Honorable, the Senate and House of Representatives of the United State, in Congress Assembled:

Your memorialists, the Legislative Assembly of the State of Montana, respectfully request and urge you to enact as speedily as possible, for the benefit of a large number of settlers in this State, and others elsewhere similarly situated a bill in substance as follows:

“Be it enacted, etc., That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this Act by treaty or agreement from the various Indian tribes, or upon military reservations which have been opened to settlement, who have or who shall hereafter reside upon the tract entered in good faith for the peroid required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

Provided, That the right to commute any such entry and pay for said land, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect;

Provided, however, that all sums of money so released, which if not releaset would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

Section 2. That all Acts or parts of Acts inconsistent with the terms and provisions of this Act are hereby repealed.

And we further represent that in the 55th Congress, May 4th, 1897, this measure was passed in the Senate but failed through lapse of session to be passed by the correlative branch, and never became a law.

Your memorialists further represent that the measure is a meritorious one and one that in the interests of all settlers in the regions affected should be enacted into law.

And further it is resolved that the Secretary of State furnish a copy of this memorial to each of our Senators and our Representatives in Congress.

Approved March 6th 1899

HOUSE JOINT MEMORIAL NO. 3A.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled.

Your memorialists, the Governor and the Legislature of the State of Montana, respectfully represent:

That some time ago United States Senator Wolcott, Colorado, introduced into the Senate of the United States a bill for an act establishing another judicial circuit of the United States to be known as the tenth circuit and to have jurisdiction in and over the States of Colorado, Utah, Wyoming, Idaho and Montana.

That the bill is of great importance to the State of Montana. That the people of Montana who have business in the Circuit Court of the United States in order to be heard must travel to San Francisco, a distance of about seventeen hundred miles, and be subject to indefinite delays because of the crowded state of business in the Ninth Circuit. That the distance to be traveled by counsel at present to appear before the Circuit Court of Appeals, is so far and the expense so great that it would be preferable in many cases for litigants of limited means to suffer injustice and defeat.

That the Ninth Circuit, comprising the States of California, Oregon, Washington, Idaho, Montana, Nevada and Alaska, is so large and the amount of business so great that much delay is necessarily caused in the dispatch of business.

That Montana is one of the greatest mining and irrigation States and many foreign and local corporations have been and are being organized for the transaction of business. That a large amount of legal business arising within this State is between citizens of different States and such business is constantly increasing.

That the principal business which would fall within the jurisdiction of the proposed circuit court, is peculiar to the inter-mountain States and is wholly different from that arising on the Pacific Coast, and it is of paramount importance that the laws should be administered by judges who are familiar with the conditions of this region.

That the Circuit Court exerts a wholesome influence over communities and ought to be nearer the homes of the people.

That owing to the large and constantly increasing business arising within the State of Montana, a term of the Circuit Court of Appeals should be held annually in Helena.

That on account of the large number of questions of the gravest importance respecting mining and irrigation which arise within the limits of the proposed circuit, not less than three circuit judges should constitute the Circuit Court of Appeals.

Your memorialists therefore respectfully memorialize your honorable bodies to enact into law said bill introduced by Senator Wolcott, so as to provide for the creation of said proposed Tenth Circuit, with jurisdiction as above indicated.

And your memorialists will ever pray.

Approved March 6th 1899

HOUSE JOINT MEMORIAL NO. 5.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas, the changed conditions in the process of treatment of gold and silver bearing ores, and controlling as it does an important industry in the State of Montana,

Be it therefore, Resolved, by the House of the Sixth Legislative Assembly, the Senate concurring, that in considering the Tariff Duties by the Congress of the United States, the State of Montana prays for an exemption of duty upon the commercial product of Cyanide of Potassium, Cyanide, Potash and all the chemical properties of what is commercially known as Cyanide of Potassium, and,

Be it further Resolved, that the Governor be requested to furnish a copy of the foregoing Resolution to our Senators and Representatives in Congress, also to the Governors of the States of Colorado, Idaho, Utah, Washington, Oregon, California, Nevada and the Governors of the Territories of New Mexico and Arizona.

Approved Feby. 27th, 1899.

HOUSE JOINT MEMORIAL NO. 6.

To the Honorable the Senate and House of Representatives in Congress Assembled:

Whereas, an effort is now being made in the Senate of the United States to have incorporated into the River and Harbor Bill an appro-

priation of Five Million Dollars, to be expended in the construction of Reservoirs and irrigation works in the Rocky Mountain States; and,

Whereas, we believe that great benefits would result directly to all the Arid Regoin, as well as indirectly to the whole country, by such action of the General Government as will lead to the reclamation and settlement of our Arid Lands;

Therefore, Be It Resolved: That we, your memorialists, the Sixth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States that the above named appropriation may be approved and enacted into law.

Resolved, That our Senators and Representatives in Congress are earnestly urged to use all proper means in their power to secure the passage of the desired legislation.

Resolved, That the Secretary of State be, and he is hereby instructed to send a copy of this Joint Memorial to our Senators and Representatives in Congress.

Approved March 6th, 1899.

HOUSE RESOLUTION NO. 5.

Concurrent Resolution and Memorial of the Senate and House of Representatives, of the State of Montana, to the Senate and House of Representatives of the United States, Asking for the Election of a United States Senator by a Direct Vote of the People.

Whereas, Experience has demonstrated that the interests of the people would be best served, by the election of United States Senators, by the vote of the people of the various states.

Therefore be it, Resolved by the House of Representatives of the State of Montana, the Senate concurring, that our Representatives in Congress are hereby requested, to use all honorable means, to secure the submission of an amendment, to the Constitution of the United States, providing for the election of United States Senators by the direct vote of the people.

Resolved further, That copies of this resolution properly attested, be sent to our Representatives in Congress of the United States.

Approved March 2nd 1899

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